United Nations A/72/275

General Assembly

Distr.: General
2 August 2017

Original: English

Seventy-second session
Item 69 (a) of the provisional agenda*
Promotion and protection of the rights of children:
promotion and protection of the rights of children

Annual report of the Special Representative of the Secretary-General on Violence against Children

Summary

Pursuant to General Assembly resolution 71/177, the present annual report of the Special Representative of the Secretary-General on Violence against Children provides an overview of major initiatives and developments to sustain and scale up efforts to safeguard children's freedom from violence, including information on field missions and regional initiatives, and on progress achieved and the challenges remaining to protect children from all forms of violence. The report builds upon the process of implementation of the 2030 Agenda for Sustainable Development and its target to end all forms of violence against children.

* A/72/150.

17-13267 (E) 110817

Please recycle

I. Introduction

1. The present report provides a review of key developments promoted by the Special Representative of the Secretary-General on Violence against Children at the global, regional and national levels and provides an overview of the results achieved in safeguarding children's freedom from violence.

2. Guided by General Assembly resolution 62/141, which established her mandate, the Special Representative is a global, independent advocate for the prevention and elimination of all forms of violence against children.

3. In its resolution 71/177, the Assembly expressed support for the work of the Special Representative, recognized the progress achieved since the establishment of her mandate, including through regional and thematic consultations, field missions and studies on emerging concerns, and welcomed her efforts in mainstreaming the recommendations of the United Nations study on violence against children[1] in the international, regional and national agenda.

4. Realizing every child's right to freedom from violence is a fundamental dimension of the Convention on the Rights of the Child, and the United Nations study on violence against children identified critical steps to make it a reality for all children. The 2030 Agenda for Sustainable Development envisions a world that invests in children and in which every child grows up free from violence, abuse and exploitation.

5. Capitalizing on the strategic opportunity presented by the 2030 Agenda to further strengthen the protection of children from violence, the Special Representative has promoted and further enhanced strategic processes and alliances with national Governments, United Nations partners, regional organizations, civil society, faith-based organizations, the private sector, the media and child-led networks.

6. The implementation of the 2030 Agenda requires strengthened partnerships. For this reason, the Special Representative strongly supports the Global Partnership to End Violence against Children, Alliance 8.7, the Global Youth Partnership for the Sustainable Development Goals and the Global Alliance for Reporting Progress on Promoting Peaceful, Just and Inclusive Societies.

7. With the same aim, the Special Representative in 2016 launched, with a wide range of partners, the "High time to end violence against children" initiative,[2] which mobilizes leaders from all walks of life to take concrete action and widen circles of non-violence around children's lives.

8. Cooperation with faith-based organizations has been critical to enlarge circles of non-violence. Religious leaders are important allies in the promotion of the recommendations of the United Nations study on violence against children, helping to foster dialogue, promote change in practices that perpetuate violence against children, and encourage the use of non-violent forms of discipline within places of worship and religious communities at large. As Pope Francis highlighted during his meeting with the Special Representative in March, and on Universal Children's Day, the international community needs to be vigilant, to protect children from violence and to ensure that every boy and girl enjoys school and education and grows up with serenity and confidence in the future.

9. The fifth Forum of the Global Network of Religions for Children, held in May 2017 in Panama City, placed these concerns at the heart of its agenda. The Forum

[1] See A/61/299.

[2] www.endviolenceagainstchildren.org.

brought together more than 500 leaders and members of the world's faith and spiritual traditions from 70 countries to increase understanding of the scale and impact of violence against children, identify ways religious leaders could help to tackle it, and enhance the commitment of faith communities to prevent violence and ensure the protection of children.

10. The Forum adopted the Panama Declaration on Ending Violence against Children,[3] which reaffirms the moral imperative to protect children from harm and recognizes that no religious teaching or tradition justifies any form of violence against children.

11. The Declaration expresses strong resolve to support implementation of the 2030 Agenda and a clear commitment to raise awareness and promote action within faith communities to achieve the Sustainable Development Goal targets on ending violence against children. It pledges to generate greater social and political will for legislation and policies, and increased funding of programmes for children's protection, and commits to listening to children with respect, educating religious and spiritual leaders and communities about the different forms of violence against children and offering education in positive parenting and ethical values to help families and children develop empathy and become more resilient.

12. In April, cooperation with Buddhist leaders was further enhanced when the Special Representative joined representatives from Cambodia, the Lao People's Democratic Republic, Myanmar, Sri Lanka, Thailand and Viet Nam to identify ways of preventing violence, including the online abuse and sexual exploitation of children. Participants identified opportunities for Buddhist leaders to use their authority and influence to raise awareness within their communities; break the silence surrounding violence against children and provide support to victims; and promote effective responses by Governments, including strengthened laws and policies and adequate allocation of resources. They also committed to mobilize Buddhist leaders across Asia to ensure that Buddhist temples and communities were safe spaces for children that could heal and reintegrate victims of violence.

13. Cooperation with the corporate sector also remained a high priority for the Special Representative. The meeting of the Global Child Forum on South America provided a strategic platform to enhance support from business sector allies and to document and share good practices that help strengthen children's protection.

14. The valuable experiences presented during the meeting illustrated how the corporate sector can add its influential voice to global efforts to prevent and address violence against children, using its leverage with peers and partners to support advocacy, policy reforms and mobilization campaigns in favour of children's protection from violence, while mitigating risks associated with products and services that can lead to the abuse and exploitation of children.

15. As the Special Representative stressed to participants in the Forum, it is critical to match commitments by the business sector with practical implementation efforts. This should include having a code of ethics that protects children from violence in all of a company's operations, practices and procedures, supply chains and procurement policies; ensuring sound and transparent monitoring and reporting of compliance, and progress to track, prevent and respond to potential incidents of violence; and training staff and suppliers to widen the circle of protection around children.

[3] http://srsg.violenceagainstchildren.org/sites/default/files/2017/Panama%20Declaration%202017.pdf.

II. Supporting implementation of the 2030 Agenda towards the elimination of all forms of violence against children

A. Placing children at the heart of sustainable development

16. The Special Representative remains strongly committed to seizing the unique opportunity presented by implementation of the 2030 Agenda to accelerate progress in the prevention and elimination of all forms of violence against children. The inclusion in the 2030 Agenda of a distinct target (target 16.2) to end all forms of violence against children is a historic achievement which offers a unique opportunity to galvanize political will and reignite action.

17. Children dream of a world of peace and non-violence, a world in which they can grow up happy, cherished, supported, safe, confident and empowered, and in which no child is left behind. For countless millions of children, however, life is instead a nightmare, as they are exposed to appalling levels of violence in their neighbourhoods, in schools, in institutions for their care and protection, and within the home. Children are too frightened to speak up, uncertain about the support they may receive. In addition, they lack the information they need to seek advice and protection in their healing, recovery and reintegration.

18. Implementation of the 2030 Agenda is giving tremendous impetus to the common endeavour to end violence against children. Many Member States are adopting comprehensive and cohesive nationally owned sustainable development plans towards reaching the Sustainable Development Goals. These plans need to be supported by predictable resources and informed by solid evidence and robust, reliable and disaggregated data. Progress towards the Goals needs to be periodically reviewed, and it is essential that such national reviews address progress on the violence-related targets.

19. Investing in children is crucial if the targets are to be reached, but there is still a long way to go. While half of those living in extreme poverty are children and half of the world's children are affected by violence each year, budget allocations for these fundamental dimensions of children's well-being are often inadequate. Furthermore, official development assistance mobilized towards ending violence against children remains wholly insufficient. Indeed, as noted in a recent report,[4] the average official development assistance per child and per year to address violence in low-income countries amounts to less than $0.65, or less than 0.6 per cent of total official development assistance.

20. The high-level political forum on sustainable development is key to ensuring that children are placed at the heart of the 2030 Agenda. In 2016, the theme of the first high-level political forum to review the Sustainable Development Goals was "Ensuring that no one is left behind". While the report of the Secretary-General on progress towards the Sustainable Development Goals highlighted that "various forms of violence against children are pervasive, including discipline that relies on physical punishment and psychological aggression",[5] few of the voluntary national reviews referred to progress on the targets related to violence against children.

21. In her global advocacy, including through participation in high-level intergovernmental meetings, cooperation with regional organizations, and country

[4] ChildFund Alliance, Save the Children, SOS Children's Villages International, World Vision International, and Development Initiatives, "Counting pennies: a review of official development assistance to end violence against children" (2017). Available from http://srsg.violenceagainstchildren.org/sites/default/files/2017/counting_pennies_web.pdf.

[5] E/2016/75, paras. 108-110.

missions, the Special Representative seeks to increase attention paid to the opportunity provided by voluntary national reviews and the high-level political forum on sustainable development for States to share positive developments and lessons learned, as well as persistent challenges, and efforts to monitor the situation of children and their exposure to violence.

22. In 2017, the theme of the high-level political forum on sustainable development was eradicating poverty and promoting prosperity in a changing world, a topic of special relevance to ending violence against children. Violence perpetuates poverty, but poverty can also be a trigger for violence and create the conditions that allow abuse and exploitation to flourish. In marginalized communities where families' incomes are low and livelihood opportunities are few, housing is inadequate and there is limited access to social services of quality, children are more likely to experience violence in their lives. They are also less likely to get support to recover from their trauma; enjoy a future with skills, confidence and resilience; or feel empowered to fight impunity.

23. Poverty and violence are intertwined. Several voluntary national reviews presented valuable examples of how strengthened social protection to address poverty mitigates the increased risk of violence children may face. To highlight these important experiences and the need for coherent cross-sectoral action for prevention and response, the Special Representative co-hosted a side event during the high-level political forum on sustainable development with the United Nations Children's Fund (UNICEF) and the Governments of Indonesia and Sweden, with high profile speakers, including the President of Chile, the Minister of National Development Planning of Indonesia, the Minister of Public Administration of Sweden and the Minister for Social Development of Chile.

24. The Ministerial Declaration of the 2017 high-level political forum on sustainable development gave high visibility to the protection of children's rights, including their right to freedom from violence. It stressed the need to invest in children to address multidimensional deprivations and empower them to build a more prosperous future, committed to support children's participation in the implementation and review of the 2030 Agenda, and stressed the need to eliminate all forms of discrimination and violence against them.

25. In 2019, the General Assembly will host its first review of the 2030 Agenda. Devoted to the theme "Empowering people and ensuring inclusiveness and equality", the session will address Goal 16, including target 16.2, on ending all forms of violence against children. The thirtieth anniversary of the adoption of the Convention on the Rights of the Child will also take place in 2019. This presents a unique opportunity to further mobilize global action to achieve a real difference in violence prevention and response by holding a special thematic review at the high-level political forum on sustainable development focusing on children and the violence-related Sustainable Development Goal targets.

26. The 2030 Agenda places great importance on the availability of quality, accessible, timely and reliable disaggregated data to inform decision-making and enable the measurement of inclusive progress.

27. In recent years, there have been several significant developments with regard to strengthening data on violence against children: a global indicator framework has been agreed which includes core indicators to measure progress; data collection initiatives on violence continue to be promoted by United Nations agencies; and household surveys specifically on violence against children have helped fill data gaps.

28. At the same time, more work needs to be done. For example, there is no standard categorization of the different forms of violence, and no internationally agreed methodology for data collection. Various approaches are followed, for example, addressing different age groups and types of behaviour, thus compromising the estimation of global prevalence or precise, consistent and representative assessments.

29. Data is not politically neutral; it provides transparency to policymaking and enables public scrutiny of the actions of States with regard to the protection of children from violence. As the surveys conducted around the world illustrate, there are positive examples of Governments that place ensuring the best interests and safety of children above the preservation of a positive political image. These efforts should be commended. Support must be given to ensure strong collaboration between statistical offices and policymakers so that data on children's exposure to violence, no matter how daunting the findings, help to shape the policy agenda.

30. Promoting the development of sound monitoring tools and methodologies, as well as disaggregated data to monitor progress and identify gaps in implementation, is a subject to which the Special Representative will continue to give great attention.

B. Consolidating knowledge to accelerate progress towards the 2030 Agenda

31. Since her previous report, the Special Representative has issued two thematic studies to further raise awareness, consolidate knowledge and mobilize action in areas of concern addressed by the 2030 Agenda.

32. *Ending the Torment: Tackling Bullying from the Schoolyard to the Cyberspace*[6] gathered evidence from leading experts around the world on this major issue of concern for children. The study informed the report of the Secretary-General on protecting children from bullying (A/71/213) and the General Assembly resolution on children's protection from bullying.[7]

33. The study took into account children's views and experiences, as well as the findings from an online poll promoted by UNICEF and the Office of the Special Representative of the Secretary-General on Violence against Children. More than 100,000 children and young people participated in the survey: 9 out of 10 considered that bullying was a problem, two thirds reported that they had been victims, and one third of these children had told no one about it.

34. Protecting children from bullying is not just an ethical imperative or a laudable aim of public health or social policy; it is a question of human rights. Bullying is an aggressive pattern of behaviour that is often part of a continuum, a torment that shapes children's lives at different moments and in different settings, from the schoolyard to the neighbourhood and, increasingly, into the online world.

35. Indeed, with growing access to the Internet and the wide use of smartphones by children and young people, online bullying (cyberbullying) has become an increasing source of concern. Spreading rumours and posting false information, hurtful messages, embarrassing comments or photos, or being excluded from online networks can affect victims deeply. Anonymity may aggravate cyberbullying by encouraging young people to act in ways they would not in person. Moreover, cyberbullying can strike its victims at any time, and the harmful messages or materials can spread fast and far, multiplying the risks and its damaging impact.

[6] Available from http://srsg.violenceagainstchildren.org/page/1496.

[7] General Assembly resolution 71/176.

36. Bullying severely undermines children's health, emotional well-being and school performance. The psychological and emotional scars that are left may persist into adult life.

37. The study informed important global initiatives, including the organization in Sweden of the first World Anti-Bullying Forum, with the participation of experts, practitioners and academics to broaden the understanding of bullying and promote the use of effective prevention strategies.

38. In January 2017, the Special Representative participated in a major international symposium on "School violence and bullying: from evidence to action", organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Ewha Womans University in Seoul, with the support of the Government of the Republic of Korea. The symposium brought together participants from all regions, including representatives of Governments, United Nations agencies, civil society organizations and academia, as well as young people.

39. During the symposium, *School Violence and Bullying: Global Status Report* was launched and a multi-stakeholder platform for data and research established. This platform will gather evidence on the prevalence of bullying and school violence, and on effective interventions to address it, and promote standardized definitions and monitoring methodologies.

40. The commitments made at the symposium are a major boost to mobilizing attention and action on bullying, supporting the implementation of the recommendations in the report of the Secretary-General and advancing progress towards the Sustainable Development Goal targets.

41. The second study issued by the Special Representative, *Protecting Children affected by Armed Violence in the Community*,[8] was launched in Quito during the United Nations Conference on Housing and Sustainable Urban Development (Habitat III).

42. The study noted that armed violence in the community disrupts social harmony and family life, interrupts schooling, compromises health care and undermines economic growth. It generates fear and insecurity, which limit children's ability to move freely, enjoy childhood and develop as empowered citizens. Such violence is thought to affect 300 million children under the age of five and is often associated with gang activities and organized crime.

43. Half of the world's population lives in cities, and children represent half of that population. Increasing urbanization, along with high levels of economic inequality and endemic poverty, make the risk of violence particularly acute. As the study highlights, however, by building safe urban and school spaces for children, by supporting families and engaging with local authorities, and by investing in public safety and access to justice, violence in the community can be prevented and risks reduced.

44. The development of the study drew on the experience of local authorities and provided a strategic opportunity to mobilize mayors for the promotion of a safe urban environment for children.

45. The study was informed by the views and experiences of children, who also participated in its launch. Young people from the Regional Network of Children and Adolescents in Latin America and the Caribbean contributed to the preparation of

[8] United Nations publication, Sales No. E.16.I.15.

"The cities of our dreams",[9] a child-friendly version of the New Urban Agenda.[10] The publication calls for the creation of happy urban spaces where children are safe and protected from violence, enjoy their rights and feel included, and where their voices are taken into account.

C. Honouring the pledge to leave no child behind: children on the move

46. The past few years have witnessed growing numbers of children on the move, alone or with their families, within and across countries. Every minute, 20 people are forced to flee their homes as a result of violence, persecution or conflict. In 2016, children constituted more than half of the total refugee population, and more than 75,000 asylum claims were lodged by unaccompanied or separated children.

47. More often than not, a child's decision to leave home is an escape strategy to secure safety and protection and in the hope of reaching a safe haven from violence and exploitation, political instability, conflict and natural disasters. For children on the move, violence infuses daily life, fear and insecurity is widespread and impunity prevails.

48. Children on the move may witness horrific scenes: the killing of their parents, the rape of their sisters or the forced disappearance of friends. They are exposed to street crime and community violence, systematic extortion and harassment by gang members within their school or neighbourhood. In some cases, children are manipulated by elements of organized crime and forced to take part in criminal activity, including by acting as lookouts in places where drugs or arms are trafficked or where smugglers congregate. If children refuse to cooperate, they may pay a heavy price. Marginalized children in such communities are locked into a vicious cycle of exclusion, stigmatization and violence, as they come to be perceived as criminals themselves, feared by members of their communities and at times treated as criminals by the authorities.

49. Surrounded by such a devastating reality, children feel ready to embark on a perilous journey of uncertainty in the hope of finding a place of safety.

50. These children frequently fail to benefit from the protection to which they are entitled. They can be perceived as interlopers rather than vulnerable victims at risk. They may lack proper documentation or not speak the local language. For the most part, they are simply too frightened to report incidents of abuse or to speak about the trauma they have endured. They do not seek help out of fear that it may have a negative impact on pending decisions regarding their status, or that it may expose them to arrest or deportation.

51. Many children end up in crowded facilities, often together with adults who are not family members. They may find themselves in places with fast-track proceedings, and face a high risk of fast-return proceedings in which their best interests are hardly considered, along with an increased chance that they will be returned to the situations from which they have fled.

52. The threat of deprivation of liberty is high. Children may be detained allegedly to secure their protection from the risk of disappearance or trafficking, for the purpose of family tracing or in order to consider the options for return to their

[9] Dora Bardales, "The cities of our dreams: a safe and child friendly New Urban Agenda" (September 2016). Available from http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/thecityofourdreams_ENG.pdf.

[10] http://habitat3.org/wp-content/uploads/NUA-English-With-Index-1.pdf.

countries of origin. Detaining these children, which is never in their best interest, is an additional punishment, the purported aims of which can be achieved in a different way.

53. While their fate is being decided, children may endure humiliation, physical attacks and sexual abuse. In many cases, they lack access to a child protection authority, an age- and gender-sensitive protection determination process, legal representation and accessible information about their rights or about ways of seeking redress for the acts of violence they may have suffered.

54. Time and time again, children on the move experience fear, anxiety, panic, depression, sleep disorders, mental health problems, an increased risk of self-harm and an aggravated sense of hopelessness, which have a severe impact on their development and well-being.

55. These children have been left very far behind. For them, the vision of the 2030 Agenda seems distant and illusory. It is urgent to transform the continuum of violence that shapes their life into a continuum of protection of their rights.

56. That was the main concern addressed by the expert consultation organized in Mexico in June 2017 by the Special Representative and the Universidad Iberoamericana, in cooperation with United Nations partners, academia, civil society and community-based organizations.

57. Participants in the consultation focused in particular on ways of safeguarding the best interests of children on the move. This must be a primary consideration in all decisions affecting the child, including upon arrival in a transit or destination country, in identification and registration procedures and during relevant proceedings in which the child's views need to be taken into account, and when the possibility of return is envisaged or the deportation of a family member is considered.

58. Children should also be informed about their rights and legal safeguards at all stages, have access to child-friendly information and counselling and be genuinely consulted about decisions affecting them, including when seeking redress for incidents of violence.

59. Protecting the best interests of the child is critical to a safe age assessment procedure that is child- and gender-sensitive, as well as culturally sensitive. Such procedures should be conducted only when there is a well-founded doubt about the age of the child. They should be conducted by a multidisciplinary team of well-trained professionals with respect for the dignity of the child and consideration of the trauma that may have already been endured. In cases of doubt about their age, children should benefit from the special protection to which they are entitled.

60. Safeguarding the best interests of the child becomes particularly important with unaccompanied or separated children. It is essential that a guardian be appointed promptly to uphold their best interests at all times. As noted in the expert consultation, the best interests of the child can be undermined by lengthy procedures, inadequate vetting to ensure the identification of qualified guardians, and a lack of clear, harmonized standards on their roles and responsibilities. They are further undermined when guardians are responsible for large numbers of children. The lack of an effective monitoring system and of safe complaint procedures has compromised the identification of incidents of abuse and exploitation of children, and prompt and effective responses.

61. Children are entitled to grow up in a caring and nurturing family environment that ensures their care, development and well-being. When children are forced to flee their countries in search of safety and protection, preserving a family

environment becomes particularly important. Respect for family unity and special protection in the event of separation were strong recommendations from the consultation when children travel with their family, and with regard to ensuring that any request for family reunification is considered in a positive, humane and expeditious manner, as required by the Convention on the Rights of the Child. In this area, important legislative developments in Latin America were acknowledged. Several countries in that region have formally recognized the protection of family life for all migrants, including children, and in some cases a humanitarian visa or resident permit may be issued for the purpose of family reunification.

62. As highlighted by the New York Declaration for Refugees and Migrants,[11] the responsibility for the care of children on the move needs to be promptly entrusted to national child protection authorities rather than left to border or security officials. To be effective, child protection systems dealing with children on the move need to be cohesive and well resourced, with quality services and well-trained staff having the skills to meaningfully interview and communicate with children, understand and address risks and promote resilience. This needs to be supported by effective inter-agency collaboration among all relevant government departments, as well as by cross-border and regional cooperation, to promote durable solutions and a continuity of care while preventing the risk of children being revictimized.

63. Independent national children's rights institutions play a critical role in monitoring children's protection, providing confidential counselling, reporting incidents of violence and taking action to fight impunity. One important concern these institutions have voiced has been the detention of migrant and asylum-seeking children, who are at times locked up in overcrowded facilities with unrelated adults. This increases the risk of harassment and abuse, while failing to give due consideration to children's best interests and to non-custodial alternatives, including family-based care solutions.

64. Consolidating data and evidence on the situation of children on the move is essential to inform decisions on violence prevention and response. Listening to children's voices is also essential.

65. As a contribution to this effort, the Office of the Special Representative and UNICEF conducted an online opinion survey to capture the views of young people about children on the move. Violence was identified as a serious concern. According to preliminary findings in Latin America, 36 per cent of those surveyed believed that violence was the main cause of children fleeing their country; over half of those who responded considered that violence, abuse and exploitation were the hardest challenges faced, while 24 per cent listed sexual violence as the top concern. When questioned about what Governments should do, half of those surveyed said that the living conditions in countries of origin should be improved; 19 per cent of those surveyed indicated that children should be allowed to stay in the country of destination; and only 3 per cent identified deportation as an appropriate measure.

66. Children's freedom from violence is an ethical and a legal imperative that cannot be met with complacency. With international standards serving as a guide, it is crucial to safeguard the rights of all children who fall under the jurisdiction of the state, including asylum-seeking, refugee, migrant and stateless children. The development of the global compacts on refugees and migration presents a strategic opportunity to promote the strengthening of child protection institutions, safeguard children's care and safety, promote durable solutions, rapidly identify and address risks, and fight impunity.

[11] General Assembly resolution 71/1.

III. Mainstreaming children's protection from violence in the national policy agenda

67. The Special Representative continued to give strong support to the consolidation of national efforts to protect children from violence, including through country visits to Brazil, Chile, Ecuador, Honduras, Indonesia, Malawi, Malaysia, Mexico, Panama, the Republic of Korea and Thailand. These visits helped to further enhance policy frameworks to prevent and address violence, support the enactment and enforcement of legislation to ban violence in all its forms and promote the consolidation of data and research to inform action, and to sustain and monitor progress.

68. In Indonesia, children's protection from violence is a key priority in the national development plan. The national strategy on the elimination of violence against children plays a critical role in advancing progress towards the Sustainable Development Goals and is supported by innovative social protection schemes which promote parenting support, help to keep girls in schools and prevent early marriage.

69. In Malawi, the policy response to the 2015 national survey on violence against children helped to place special emphasis on children's protection from harmful practices, including initiation rites and attacks against children with albinism. Similarly, it helped to focus national attention on the high prevalence of child marriage and on the critical importance of keeping girls in school. It also strengthened the involvement of traditional and community leaders whose role has been critical in violence prevention and response, and in monitoring progress. Importantly, these local leaders have enacted by-laws to prohibit child marriage and other harmful practices and support the return to school of children who get married. Important results are being achieved, including an increase in the number of incidents reported, a growing number of girls back in school, and local chiefs no longer officiating at child marriages and invalidating those which were previously celebrated.

70. In 2017, the United Republic of Tanzania launched a new national plan of action to end violence against women and children.[12] Guided by the 2030 Agenda and building upon the findings of the 2009 household survey on violence against children conducted by the Government, the plan recognizes the positive impact of investment in violence prevention on inclusive growth and provides a strategic framework to mobilize action and resources towards the achievement of the violence-related targets of the Sustainable Development Goal, especially target 16.2.

71. In France, a new interministerial action plan to combat violence against children for the period 2017-2019[13] was adopted in 2017. The plan is aimed at supporting families in their child-rearing responsibilities and promoting positive parenting practices, breaking the invisibility of violence against children, promoting early detection and reporting of incidents, and strengthening support services and assisting victims.

72. Support for legislative measures to address violence against children remained a high priority for the Special Representative. Since 2006, the number of countries with a comprehensive legal ban has more than tripled, reaching more than 50 in 2017, including most recently Benin, Ireland, the Lao People's Democratic Republic, Lithuania, Mongolia, Paraguay, Peru, Slovenia and Viet Nam.

[12] http://srsg.violenceagainstchildren.org/sites/default/files/2016/NPA-VAWC%20%20Tanzania.pdf.

[13] www.memoiretraumatique.org/assets/files/v1/Documents-pdf/2017-1er_Plan_VIOLENCES_ENFANTS_VF.pdf.

73. Significant legislative measures were adopted to consolidate the normative foundation of children's protection from violence and address specific manifestations of violence. In Sweden, incorporation of the Convention on the Rights of the Child into national legislation is being pursued to ensure that the Convention's provisions are fully respected in all decisions affecting children.

74. In Malaysia, the passing of the Sexual Offences against Children Bill 2017 strengthened the protection of children from sexual abuse and exploitation. The bill criminalizes the grooming of children, promotes their protection from online abuse and recognizes them as competent witnesses in sexual crime cases.

75. Chile adopted a new law that criminalizes the physical or psychological maltreatment of children or of any person with disabilities. The law increases penalties and introduces new sanctions, including barring offenders from employment in the education or health sectors or other positions that may involve a direct relationship with a victim.

76. Brazil adopted important new legislation to safeguard the rights of child victims and witnesses of violence. The legislation requires the federal, state and local governments to develop comprehensive and coordinated policies to secure children's right to freedom from violence in all settings, including the home and family. The law recognizes the rights of children to the following: access to information and legal representation, participation in decisions that affect them, the ability to benefit from relevant support services, protection from revictimization, and reparation. It also establishes accessible, safe, confidential and child-friendly reporting, counselling and complaint mechanisms for child victims and witnesses of violence, recognizing their right to be listened to by well-trained professionals and in a child-friendly environment. Importantly, it recognizes the duty of any person who witnesses or knows of any act of physical, psychological or sexual violence committed against a child in a private or local setting to immediately report such violence to the competent authorities, who should then bring it to the attention of the public prosecutor.

77. Important efforts continued to be promoted to consolidate national data systems on children's exposure to violence through national household surveys in Asia and Africa, including in Cambodia, Kenya, the Lao People's Democratic Republic, Malawi, Nigeria, the Philippines and Zimbabwe. In 2017, an important national survey was conducted in Mexico, and similar initiatives are under preparation in Colombia, El Salvador, Guatemala and Honduras.

78. These surveys have helped to bring to light the hidden reality of violence in children's lives and to shape evidence-based national plans of action to address priority concerns. This has been critical to promoting better cross-sectoral coordination at different levels of administration and involving a wide range of stakeholders, including academia, civil society, religious leaders and the private sector, as well as children themselves.

79. In some cases, surveys have given greater visibility to pressing areas of concern and led to further research. In the Philippines, for example, a national baseline study on violence against children helped to raise awareness and promote violence-prevention efforts; encourage reporting and enhance the capacity of service-providers; and support legislation, policies and programmes for children. The study emphasized the need to gather gender-disaggregated data to assess the different risks of sexual abuse faced by boys and girls, and to help inform gender-sensitive advocacy, prevention and response strategies, and the provision of appropriate services to victims.

80. The study in the Philippines showed a high incidence of violence in the home and revealed the serious risk of children's exposure to online abuse, with nearly half of children experiencing sexual violence or cyberbullying. To address this serious concern, a follow-up study was conducted on online abuse.

81. Despite strong legislation protecting children from online sexual exploitation, webcam livestreaming of the sexual abuse of children is happening, and at times involves family members. According to the findings of the follow-up study, 8 in 10 children and adolescents are in danger of becoming victims of online abuse, while 5 in 10 think friends participate in risky behaviour while using the Internet. This situation in the Philippines has been facilitated by several factors, including increased access to the Internet and to cheap devices, which makes it possible for people in poor communities to access cyberspace; widespread knowledge of English, which eases communication for perpetrators abroad; a convenient mechanism for payment through the network of remittance services across the country; and a culture of silence and deference to elders. Moreover, the low legal age of sexual consent (12 years of age) makes impunity hard to fight.

IV. Reinforcing regional processes to enhance the protection of children from violence

82. Cooperation with regional organizations and institutions has been a cornerstone of the Special Representative's strategy to accelerate progress in protecting children from violence. Regional organizations and institutions are strategic allies, and their cooperation with the Special Representative has helped place violence against children at the centre of the regional policy agenda, while enhancing the accountability of States and supporting national implementation efforts.

83. The Special Representative has hosted with regional partners high-level consultations in the Central and South American, Caribbean, South Asian, Pacific, European and Arab regions. Six regional monitoring reports have been issued and periodic review meetings have been held to sustain and accelerate progress.

84. As a result, regional political commitments and implementation road maps have been adopted,[14] and a new generation of regional action plans on violence against children is being developed in line with the 2030 Agenda. In turn, these efforts have translated into the strengthening of national legislation and public policies, the consolidation of data and research, and the promotion of campaigns to mobilize support.

85. To further promote this process, the Special Representative organizes an annual high-level cross-regional round table with regional organizations and institutions. This forum has become a strategic mechanism within the United Nations to engage in policy dialogue, share knowledge and good practices, promote cross-fertilization of experiences, enhance synergies, identify trends and pressing challenges, and join forces to strengthen children's safety and protection.

86. In June 2017 in Manila, the Special Representative co-hosted, with the Association of Southeast Asian Nations (ASEAN), the seventh annual cross-regional round table for advancing the protection of children from violence. Devoted to placing children at the heart of the 2030 Agenda for Sustainable Development, the 2017 meeting addressed the role of regional organizations in

[14] http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/A-HRC-19-64_EN_2.pdf.

accelerating progress towards the Sustainable Development Goal targets on children's protection from violence.

87. Guided by the theme of the 2017 high-level political forum on sustainable development, the meeting provided a valuable platform to share regional experiences and good practices to address the multifaceted nature of deprivation and violence against children, including by promoting access to universal, inclusive and child-sensitive basic social services of quality. Of particular importance are initiatives in different regions, including the Baltic Sea States; cross-sectoral cooperation and integrated services to prevent violence; investment in early childhood care; the ensuring of effective family support and social protection measures; and promotion the social inclusion of those left behind.

88. Representatives from regional organizations reaffirmed their commitment to use the opportunity provided by the high-level political forum on sustainable development and the development of voluntary national reviews to accelerate progress towards the elimination of all forms of violence against children. They highlighted the importance of mobilizing adequate national resources and official development assistance to support violence prevention and response initiatives, as well as of strengthening data systems to inform decisions and monitor and sustain progress.

89. Moreover, participants recognized the critical role of children as agents of change and the importance of undertaking action informed by children's views and experiences. In this spirit, an ASEAN children's forum was held alongside the meeting, creating an opportunity for a strategic engagement with young people from the ASEAN region. The children's forum discussions placed a special emphasis on children's empowerment and participation to prevent and address incidents of violence, and on risks associated with bullying and online abuse.

90. The young participants at the Forum stressed the importance of enjoying a loving and supportive environment and called for awareness-raising and information-sharing initiatives so that they could become empowered citizens, identify risks, report incidents and seek help from child-sensitive services. They recognized the need for urgent government action, including effective laws, policies and budgets, as well as good parenting and early childhood initiatives, training for professionals working with children, and genuine opportunities and platforms for open discussions with young people. As children highlighted: "Everyone has a role to play and, if we are willing to end violence against children, we can make the world a better place!"

91. In 2018, the Special Representative will co-host the cross-regional meeting with the South Asia Initiative to End Violence against Children. Significant developments continue to be pursued in South Asia to further strengthen children's protection from violence, while special emphasis is being placed on advancing implementation of the regional plan of action for the prevention and elimination of child labour for the period 2016-2021 and developing a regional strategy to protect children from sexual abuse and exploitation.

92. The vision of Agenda 2063: The Africa We Want[15] and Africa's Agenda for Children 2040,[16] which was adopted by the African Committee of Experts on the Rights and Welfare of the Child in 2016, are aligned with the 2030 Agenda. Africa's Agenda for Children 2040 includes a dedicated goal of protecting every child

[15] https://au.int/en/Agenda2063/popular_version.

[16] www.acerwc.org/download/africas-agenda-for-children-rights-2040-english_version/?wpdmdl=9752.

against violence, exploitation, neglect and abuse by 2040[17] and mainstreams the prevention and elimination of violence against children in other areas.

93. The 2017 Day of the African Child[18] was devoted to the 2030 Agenda and to efforts made in the region to promote sustainable development. Recognizing violence as one of the major barriers to creating an Africa fit for children, the discussions placed a special emphasis on ensuring progress towards Sustainable Development Goal target 16.2.

94. The Economic Community of West African States (ECOWAS) is developing a strategic framework on the strengthening of child protection systems to prevent and respond to violence against, and abuse and exploitation of, children. The framework is aimed at providing guidance to strengthen national child protection systems across the region, reducing child vulnerability, building children's resilience, and preventing and protecting children from abuse, exploitation and violence, as well as enhancing the accountability of ECOWAS in monitoring, implementation and reporting in West Africa.

95. The Special Representative will continue to enhance her collaboration with the African Union, including in support of efforts to advance the implementation of its Campaign to End Child Marriage.

96. In June 2017, the Peace and Security Council of the African Union devoted an open session to ending child marriage in Africa.[19] The Council underlined the need for member States to criminalize child marriage, with a view to deterring it, while ensuring the provision of appropriate mechanisms for psychosocial support, as well as reproductive health services for victims of violence. The Council requested the African Union Commission to take the steps necessary to raise awareness and enhance civic education campaigns on ending all forms of violence, abuse and exploitation of children, including child marriage, echoing the call made by the Special Representative and many partners during the seventh International Policy Conference on the African Child,[20] hosted by the African Child Policy Forum in November 2016.

97. Since the adoption in 2015 of the ASEAN Regional Plan of Action on the Elimination of Violence against Children, the Special Representative has been actively promoting its implementation, in collaboration with the ASEAN secretariat, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, and member States.

98. The regional plan is framed by the 2030 Agenda and provides a powerful example of how regional cooperation can support national action to protect children from violence and advance progress to achieve the violence-related Sustainable Development Goal targets. It proposes concrete actions within a realistic time frame, including the promotion of non-violent approaches to child discipline, the deinstitutionalization of children, the protection of children from online abuse, the promotion of child-friendly justice proceedings, the prevention of deprivation of liberty of children, the promotion of alternatives to detention, and awareness-raising campaigns to break the invisibility of violence and secure the protection of child victims.

99. To support implementation of the Regional Plan, in December 2016, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children released the ASEAN Guidelines for a Non-violent Approach to Nurture,

[17] Aspiration 7: Every child is protected against violence, exploitation, neglect and abuse.
[18] www.acerwc.org/download/concept-note-day-of-the-african-child-2017/?wpdmdl=9987.
[19] www.peaceau.org/uploads/psc.692.press-statement.ending.child.marriage.13.06.2017.pdf.
[20] http://srsg.violenceagainstchildren.org/story/2016-11-15_1507.

Care and Development of Children in All Settings.[21] Recognizing the importance of sound legislation and evidence, and of investment in prevention and protection measures tailored to the national reality, the Guidelines promote children's development and well-being and the elimination of violence in all settings. They also address violence among children, such as the risk of bullying; physical, verbal and sexual abuse; and online abuse.

100. In Latin America, an inter-American forum on national child protection systems was held in April 2017, with the participation of the Inter-American Commission on Human Rights and representatives from Governments and civil society. The Forum recognized the important developments promoted in the region to ensure a comprehensive system of protection of children from violence and discrimination, and highlighted the persisting challenges that compromise the rights of vulnerable groups, including indigenous children, children in the early years of childhood, those with disabilities and those affected by migration and refugee situations. Acknowledging the need to promote information-sharing and cross-fertilization of experiences between countries in the region, the Forum called for enhanced coordination across all levels of administration, supported by sound policies, institutions and funding; consolidated systems of monitoring and evaluation of public policies; active engagement of local authorities and civil society organizations in implementation efforts; and the creation of formal and permanent platforms to enable the representative participation of children and adolescents in this process.

101. In the Southern Common Market (MERCOSUR), the Institute of Public Policies on Human Rights is currently developing regional guidelines for the promotion of positive discipline and the prevention of violence against children. The guidelines will help to advance implementation of regional commitments, including through the enactment and enforcement of laws to ban and prevent all forms of violence against children, and will help to align implementation with the 2030 Agenda.

102. The Special Representative's collaboration with the Council of Europe has continued to be crucial in strengthening children's freedom from violence across the region. The initiatives promoted by the Council of Europe in this area are framed by its Strategy for the Rights of the Child (2016-2021), which was developed with the participation of the Special Representative. The Strategy supports national implementation of the 2030 Agenda and is monitored by the Ad Hoc Committee for the Rights of the Child, in which the Special Representative participates. During the first year of the implementation of the Strategy, particular attention was given to the promotion of integrated national strategies for the protection of children from violence, the protection of children's rights in the digital environment and the prevention of online abuse, and the rights of migrant and refugee children.

103. In May 2017, the Council of Europe Committee of Ministers adopted an action plan on protecting refugee and migrant children in Europe for the period 2017-2019[22] with three main pillars: ensuring access to rights and child-friendly procedures; providing effective protection; and enhancing the integration of arriving children. The implementation of the action plan will complement other important activities undertaken by the Ad Hoc Committee for the Rights of the Child, including the drafting of new standards on legal guardianship and age assessment of migrant and refugee children.

[21] http://asean.org/?static_post=asean-guidelines-non-violent-approach-nurture-care-development-children-settings.

[22] https://edoc.coe.int/en/index.php?controller=get-file&freeid=7362.

104. The Special Representative has continued her engagement with the Organization of Islamic Cooperation (OIC) on the prevention and elimination of all forms of violence against children, including through her contribution to the debate on the rights of the child held by the OIC Independent Permanent Human Rights Commission in November 2016.

105. The Independent Permanent Human Rights Commission outcome document paid substantial attention to the measures that must be taken by OIC member States to enhance children's protection from violence, in line with their international legal obligations. It addressed the gender dimension of violence against children and incorporated a gender perspective into all policies and actions. It called on member States to promote the elimination of all forms of violence against children as a priority in their national development plans and national reviews in the framework of the 2030 Agenda.

V. Looking ahead

106. Thanks to the mobilization created by the United Nations study on violence against children and the process of implementation of its recommendations, significant progress has been made around the world, and States are now better equipped to prevent, eliminate and respond to violence against children.

107. The implementation of the 2030 Agenda presents a unique opportunity to reinvigorate action. For the very first time, the dignity of children and their right to live free from fear and from violence are a distinct priority on the international development agenda. The inclusion of target 16.2, on ending all forms of violence against children by 2030, is a major breakthrough and provides a unique opportunity to promote a quantum leap in violence prevention and response efforts.

108. The international community must now act to transform this unique momentum into an unstoppable movement.

109. Achieving the Sustainable Development Goals will help reduce the risk of violence in children's lives and provide effective responses for child victims. Failing to reach the Sustainable Development Goal targets related to violence against children, however, will compromise efforts in these areas and hinder social and economic progress across the whole development agenda.

110. It is crucial to act with a deep sense of urgency. Countless millions of children continue to be exposed to physical, psychological and sexual violence, both online and offline, often in a pervasive, hidden and concealed manner. They are intentionally targeted in politically driven processes, manipulated in organized crime, forced to flee violence in their communities, sold and exploited for economic gain, groomed online, disciplined through violent means, sexually assaulted in the privacy of their homes, neglected in institutions, abused in detention centres, bullied in schools, and stigmatized and ill-treated as a result of superstition or harmful practices.

111. Violence compromises all children's rights. In early childhood, the impact of violence is often irreversible. As children grow, their exposure to violence becomes part of a continuum, spreading across their lives and at times persisting across generations. In addition, violence is also associated with far-reaching costs for society. It diverts billions of dollars from social spending, slowing economic development and eroding the human and social capital of States.

112. The 2030 Agenda is designed to bring an end to this situation. It pledges to leave no child behind. The best way to avoid leaving children behind is by putting

them first. A society that fails to do so risks arriving last in the quest for sustainable peace, justice and progress.

113. It is high time to close the gap between international standards, political commitments and action. It is high time to promote a culture of respect for children's rights and of zero tolerance for violence.

114. In the countdown to 2030, everybody counts and everybody is needed, and children want to see positive change in every nation.

115. In the journey to end violence against children, the Special Representative remains deeply committed to mobilizing people from all walks of life. Visionary leaders, child rights defenders, scholars and artists, opinion-makers and young people themselves can be agents of change and inspire others to consolidate circles of non-violence around children's lives.

116. Joining hands together, the sum of all forces will be zero: zero violence. Zero will become humankind's favourite number!

United Nations A/72/276

General Assembly

Distr.: General
2 August 2017

Original: English

Seventy-second session
Item 69 (a) of the provisional agenda*
Promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted to the General Assembly pursuant to its resolution 71/177 on the rights of the child, in which it requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly on the activities undertaken in the fulfilment of her mandate and on the progress achieved and the challenges remaining on the children and armed conflict agenda. The report covers the period from August 2016 to July 2017 and describes current trends. In addition, the report provides information on the vision of the new Special Representative, including on her engagement with regional organizations and international partners, as well as on dialogue with parties to conflict, which includes an analysis of the "Children, not soldiers" campaign. It outlines a number of challenges and priorities on her agenda and concludes with a set of recommendations to enhance the protection of children affected by armed conflict.

* A/72/150.

17-13272 (E) 150817

Please recycle

I. Introduction

1. In its resolution 71/177, the General Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to it and the Human Rights Council on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda. The request stemmed from the mandate given by the Assembly in its resolution 51/77, in which it recommended, inter alia, that the Special Representative raise awareness and promote the collection of information about the plight of children affected by armed conflict and foster international cooperation to ensure respect for children's rights in these situations. In line with that mandate, and as requested by the Assembly in its resolution 71/177, the present report provides information on the progress of the "Children, not soldiers" campaign. It also highlights progress made in the past year and outlines the immediate priorities, as well as a longer-term vision, to advance the children and armed conflict agenda in collaboration with States Members of the United Nations, United Nations entities, regional and subregional organizations and civil society.

II. Taking stock of the children and armed conflict agenda

A. A vision going forward following 20 years of the children and armed conflict mandate

2. Since the inception of the mandate, the Special Representative and her Office have played a central role in strengthening the protection of children affected by armed conflict, including through raising awareness and ensuring that the issue is prioritized on the international agenda. The appointment of the new Special Representative, Virginia Gamba, in early May 2017, therefore presents a timely opportunity to look forward and analyse how efforts can be elevated to end and prevent grave violations against children in conflict. To that end, the recently appointed Special Representative is aiming to enhance her mandated activities on both raising public awareness to mobilize global action and garnering lessons learned and developing best practices to aid practitioners and Member States.

3. In the two decades since the establishment of the mandate, the United Nations has developed innovative methods to engage with both Governments and armed groups for the benefit of children most affected by war. As a result, 28 action plans have been signed with parties to conflict to end violations against children and establish mechanisms to prevent them. Where the context was conducive and political will was strong, steady progress was attained, which led to the full implementation of action plans and the subsequent delisting of nine parties to conflict from the annexes to the annual report of the Secretary General on children and armed conflict.

4. The public awareness campaign, entitled "Children, not soldiers", launched jointly with the United Nations Children's Fund (UNICEF) in 2014, catalysed further progress to protect children affected by armed conflict. The campaign, which focused on one of the six grave violations, namely ending and preventing the recruitment and use of children, led to tangible results. With greater awareness of the issue, the Special Representative, together with UNICEF, the Department of Peacekeeping Operations and the Department of Political Affairs, was able to speed up progress, and child protection advisers in situations of armed conflict played a critical role in operationalizing action plans and further strengthening the overall

child protection architecture. Concrete advances included the criminalization of the recruitment and use of children, the issuance of military command orders, the systematic screening of troops, the adoption of age-assessment guidelines, the development of handover protocols and the release and reintegration of children formerly associated with armed forces.

5. A range of other initiatives by the Special Representative and her Office have also had an impact, such as supporting the development of national legislation to protect children; accountability initiatives; advocating for the ratification of international instruments; and leveraging peace processes to engage with parties to conflict on children affected by violations, notably in Africa, Asia and Latin America. Nevertheless, the complexity of the current international peace, security and development contexts contributed to an increase in the number of children at risk in situations of armed conflict. The mandate is therefore at a critical juncture, and both the international community and civil society need to reflect on how to renew their commitment to build on past achievements and work towards the goal of providing the best possible protection of children affected by war.

6. To this end, as mandated by the General Assembly, the Special Representative plans to establish capacity to enhance synergies among different United Nations agencies, regional and subregional organizations, international and local non-governmental organizations (NGOs) and civil society to raise further awareness of the six grave violations against children. The Special Representative considers it vital to commence lessons-learned exercises to identify best practices through research, analysis, assessment and working partnerships that can shed further light on the past 20 years of the Organization's collective work on children and armed conflict and identify difficulties encountered in strengthening the protection of children and ongoing trends and dynamics to inform future action.

7. It is essential to engage additional actors in pursuit of greater protection of children, or enhance engagement with actors where partnerships are already in place. For example, partnerships with regional and subregional organizations can be developed or further enriched to advance politically or legally binding instruments to strengthen the prevention of violations in situations of armed conflict and facilitate programmatic responses when violations do occur. Among the regional organizations with which the Special Representative envisions enhancing engagement are the African Union, the League of Arab States and the European Union. Similarly, the Special Representative hopes to continue and strengthen the existing collaboration with such organizations as the North Atlantic Treaty Organization (NATO) in the pursuit of best practices and with the aim of supporting the development of operational procedures that adequately take into account child protection concerns.

8. Engagement will also be pursued with subregional organizations, including the Intergovernmental Authority on Development, the Economic Community of West African States (ECOWAS), the Economic Community of Central African States and the Andean Community. Such engagement has historical roots in the work of the Office of the Special Representative; focusing on subregional organizations has the potential to be a multiplier for further progress. For instance, in the early 2000s, ECOWAS progressively integrated child protection into its policies and institutions, including through the adoption of the Accra Declaration and Plan of Action on War-Affected Children, at the Conference on War-Affected Children in West Africa, held in Ghana from 27 to 28 April 2000; the establishment of a child protection unit in its secretariat; and the endorsement of an agenda for action for war-affected children in West Africa at the ECOWAS summit in 2003. The Special Representative plans to contribute to enhancing progress by supporting the re-establishment of such

instruments and mechanisms and creating new partnerships to leverage the tools of a broad range of subregional organizations.

9. The additional focus on advocacy and lessons learned will feed into the overarching goal of the mandate, namely strengthening the protection of children affected by armed conflict. It is envisioned that lessons learned and raising public awareness will aid interactions with parties to conflict when violations against children occur. Best practices can be used to assist parties to conflict who demonstrate a willingness to better protect children by ensuring that the conduct of hostilities complies with international standards. When a party to conflict is open to entering into dialogue, the plethora of best practices that have been developed over the past 20 years can guide technical discussions. However, to draw on the full potential of these best practices, it will be important to compile, capture and make them available to Governments, protection actors and other relevant entities. Awareness-raising, on the other hand, can be used to put pressure on belligerents who do not demonstrate the same willingness to improve their conduct. By using the different avenues of public awareness, political advocacy and direct engagement, parties may display greater receptiveness to improve their conduct and reduce violations against children. These prevention efforts are at the heart of the Special Representative's goals.

B. Emerging issues and challenges

Attacks on schools and protected personnel

10. The General Assembly has played an important role in recognizing the right of the child to education by requesting Member States to put in place appropriate frameworks for education in emergencies (resolution 64/290), and by enshrining relevant provisions in a number of key international human rights treaties, including in the International Covenant on Economic, Social, and Cultural Rights (General Assembly resolution 2200 A (XXI)) and the Convention on the Rights of the Child (General Assembly resolution 44/25, annex). Notwithstanding broad ratification of these instruments, attacks on schools, educational personnel and students have become commonplace in conflicts across the globe, preventing children from realizing their rights. According to the United Nations Educational, Scientific and Cultural Organization, children in conflict-affected countries are more than twice as likely to be out of school compared with those living in countries at peace.[1] With more than 245 million children estimated to be living in conflict zones, the issue of children missing out on education owing to the effects of conflict deserves urgent attention. In 2016, the United Nations verified more than 750 attacks on schools and hospitals, taking place in 18 of 20 country situations on the children and armed conflict agenda. The number and intensity of such violations were of particular concern in Afghanistan, South Sudan, the Syrian Arab Republic and Yemen.

11. Indiscriminate attacks, including attacks carried out by air, shelling and crossfire, as well as the use of imprecise weaponry resulting in the killing of students and educational personnel, damage to schools and school closures continued to be a serious concern. These incidents were prevalent particularly where front lines passed through urban areas and parties to conflict did not take sufficient precautions to protect critical civilian infrastructure. In 2016 in Yemen, three quarters of all attacks on schools and hospitals and in the Syrian Arab Republic, two thirds of all such attacks were carried out by air, including in densely populated

[1] United Nations Educational, Scientific and Cultural Organization, "Humanitarian aid for education: why it matters and why more is needed", *Education for All Global Monitoring Report*, Policy Paper 21, June 2015.

civilian areas and internal displacement camps. Armed forces and groups must be encouraged to undertake greater efforts to ensure that their rules of engagement reflect the principles of distinction and proportionality, in line with their obligations under international humanitarian law.

12. Targeted attacks on education personnel as well as students and parents, including for ideological reasons, also remained a particular challenge. In Mali for instance, in July 2016, the director of a Government-run school was killed by armed elements allegedly opposed to secular education. In Somalia, Al-Shabaab compelled children to attend madrassas managed by the group and reportedly attempted to train them as soldiers. In several instances, elders, imams and madrassa teachers who failed to hand children over to the group were abducted. In Afghanistan, in February 2017, six girls' schools were temporarily closed following a verbal threat issued by the Taliban, which affected more than 3,500 students and teachers. Similar threats against female teachers or girls were also received in Iraq, Mali, Nigeria and the Syrian Arab Republic.

13. While indiscriminate and targeted attacks on schools fundamentally undermine the right to education, the military use of schools can have a similar negative effect on children's access to education. Notably, occupied schools become legitimate military targets, endangering students and educational personnel alike. The presence of combatants in schools, irrespective of their function, can also hamper the provision of classes; deter the attendance of educational personnel and students; lead to the looting of schools and further complicate access to schools owing to augmented security procedures. Prohibiting the military use of schools through the adoption of military orders and training, as well as ensuring accountability for perpetrators, is a vital element of preventing this practice. The Safe Schools Declaration has made an essential contribution towards this end by promoting concrete preventative measures. In Afghanistan for instance, where the Government endorsed the Safe Schools Declaration in 2015, the Ministry of Education promulgated two directives in 2016 instructing government security forces to refrain from using schools. At the time of writing, 68 countries had endorsed the Declaration, signalling a growing international consensus that preventing the military use of schools is essential to avoid disruption to education. In this regard, the Special Representative echoes the call by the Secretary-General in his report on the protection of civilians in armed conflict (see S/2017/414) for more Member States to formally endorse the Declaration and its guidelines and encourages signatories to include those commitments in their national policies.

14. Particularly in protracted conflict situations, where there are scarce resources to invest in education, physical damage to schools may take years to rectify. Attacks on education and the military use of such facilities often also lead to a reduction of teaching staff and a drop in student enrolment and attendance rates and decrease the overall quality of education, preventing Governments from enabling children to enjoy their right to learning. In countries at war, attacks on education may therefore not only lead to a temporary interruption of children's access to schools, but also may close the doors to education for a lifetime.

15. As Goal 4 of the Sustainable Development Goals sets out, universal education for children is essential to breaking the cycle of poverty and reducing inequality. In this regard, where schools have been destroyed or children are unable to attend classes owing to the security situation, alternative means of education, including community-based or remote solutions, should be supported. Whenever reparation programmes are elaborated following armed conflicts, provisions regarding the reconstruction of schools should be included. Moreover, where children have experienced substantive gaps in their education, accelerated learning programmes,

as have been put in place in Mosul, Iraq, following the liberation of the city, can facilitate children's re-entry into the formal education system.

16. Barriers to education, such as the scarcity of teachers, learning material and functioning schools are often further compounded in situations of displacement. As a result, refugee children are five times more likely to be out of school than are children living in their country of origin, and only half of all refugee children attend primary school.[2] According to recent estimates published by UNICEF, almost 28 million children were forcibly displaced by conflict (17 million internally displaced children, 10 million refugees and 1 million asylum seekers).[3] With more than 10 million people newly displaced in 2016 alone, this number is unlikely to decrease in the near future. Solutions for these children must therefore urgently be found. The New York Declaration for Refugees and Migrants, adopted on 19 September 2016, (General Assembly resolution 71/1), includes the commitment from Member States to provide basic education for all refugee and migrant children and highlights their resolve to provide this service within a few months of arrival. The Special Representative calls upon members of the General Assembly to ensure appropriate funding for programmes related to education when applying the comprehensive refugee response framework, which provides a road map for the implementation of the Declaration.

17. Protecting education from attack in armed conflict and ensuring opportunities for learning can also have a positive impact on broader efforts at conflict prevention. In the short term, children who attend school are less vulnerable to grave violations, including recruitment and use, rape and sexual violence and abductions. Preventing grave violations can avert new grievances and limit the further escalation of violence by breaking the cycle of retribution. In the long term, access to education can foster resilience as well as instil hope and a sense of normalcy in children, giving them the tools to become agents of positive transformation and support the more systemic processes of reconciliation and peacebuilding.

Denial of humanitarian access as an increasing trend

18. In recent years, the denial of humanitarian access to children in armed conflict has become a more prevalent violation and, in 2016, 994 incidents were verified by the United Nations. Almost half of those incidents took place in South Sudan, which suffered a 100 per cent increase in incidents as compared with 2015. In the first quarter of 2017, humanitarian access continued to be regularly denied in numerous situations. For example, in the Syrian Arab Republic, parties to the conflict used besiegement as a method of warfare, depriving nearly 650,000 persons of access to food and other essential commodities, including life-saving and life-sustaining medical items. Deliberate bureaucratic impediments and restrictions by the Government, in addition to a fragile security situation and access limitations imposed by armed groups, further prevented the delivery of humanitarian assistance. In South Sudan in early 2017, humanitarian actors continued to be harassed and assaulted and came under attack as they conducted humanitarian activities. In one incident in Central Equatoria, six humanitarian actors were fired upon and killed as they attempted to reach populations in need. Humanitarian access in Rakhine State in Myanmar was also very limited during this period. In March, for instance, travel restrictions for civilians cost the life of a two-year-old child in Buthidaung south, as the child's parents were unable to obtain the "village departure

[2] Office of the United Nations High Commissioner for Refugees, "Missing out — refugee education in crisis", September 2016.

[3] United Nations Children's Fund, *Uprooted, The Growing Crisis for Refugee and Migrant Children* (New York, September 2016).

certificate" in time to allow for his transfer to hospital. Moreover, at the time of writing, across the eastern Democratic Republic of the Congo, 182,000 children had no access to assistance owing to a significant reduction of the humanitarian space to operate, caused by the fragile security situation.

19. Such instances, which were also observed in other country situations, point to a trend of the politicization of the provision of humanitarian access for the delivery of aid, even when it is intended for children. As the Secretary-General noted in his report on the protection of civilians (S/2017/414), humanitarian action must remain distinct from political or military objectives. This principle is especially salient when assistance is intended to provide relief for children who are vulnerable to malnutrition and disease.

20. When humanitarians are denied access to one of the most vulnerable stratum of the population, children with disabilities, it is especially egregious, as these boys and girls and their families face almost insurmountable obstacles to reaching much needed assistance by others means. Unaccompanied children fleeing conflict-affected areas without family members or trusted adults who can take care of them face similar challenges in accessing humanitarian services. The challenge of undertaking journeys that are required to reach health-care facilities in conflict-affected areas with poor infrastructure, limited transportation and restrictions of movement are exponentially multiplied for these at-risk groups. Parties to conflict, as well as the relevant administrative authorities, need to be cognizant of the fact that denying essential aid to children can result in many more child deaths and is an egregious addition to the direct impact of hostilities. Even in instances when such services may not be considered an immediate life-saving activity, for example, when vaccination campaigns are necessary, children can sustain long-term injuries or die if access is denied.

21. In this regard, the Special Representative urges parties to conflict to commit to a renewed focus on depoliticizing the issue and facilitating the delivery of humanitarian aid to children. These entities are reminded that it is a principle of customary international law that they must allow and facilitate the rapid and unimpeded passage of aid to the civilian population in need in areas subject to their control. Moreover, contained in regional human rights instruments[4] and numerous resolutions of the General Assembly and Security Council is a demand that parties to conflict provide access for relief personnel to refugee and displaced populations, often with special reference to the plight of children. Lastly, the Convention on the Rights of the Child, the most widely ratified international human rights instrument, has several provisions that necessitate the facilitation of humanitarian relief to children in need, including ensuring that children seeking refugee status receive appropriate protection and humanitarian assistance.[5]

22. In a practical sense, the Special Representative urges parties to conflict to disseminate clear orders among their rank and file to specify that humanitarian assistance for children should be facilitated in all circumstances. Penalties should also be laid out for those who fail to adhere to this principle. In that regard, the Secretary-General announced that he would facilitate a global effort to mobilize Member States, civil society and other stakeholders to enhance respect for international law and strengthen the protection of civilians in conflict (see

[4] See, for example: the African Charter on the Rights and Welfare of the Child (1999), art. 23; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994), art. 9; and the Guiding Principles on Internal Displacement (2004), principles 4 and 19. See also International Committee of the Red Cross, *Customary International Humanitarian Law*, Vol. 1: *Rules*, rule 131.

[5] See art. 22(1) Convention on the Rights of the Child; also see arts. 6, 24 and 27.

S/2017/414). This action plan will include awareness-raising, advocacy, the development and sharing of good practices, and research and dialogue on the root causes of parties' behaviour. The Special Representative wholeheartedly supports this initiative and will work with United Nation partners to ensure that the needs of children are included, and she calls upon the General Assembly to aid this effort. Furthermore, she urges Member States to adhere to the provisions of Assembly resolution 71/127 regarding preventing, responding to, investigating and prosecuting violations and abuses against children in humanitarian emergencies. Accountability for denying humanitarian assistance will be the core component of reducing this violation.

III. Dialogue, commitments and action plans with parties to conflict

A. Update on the "Children, not soldiers" campaign

23. The campaign "Children, not soldiers", launched in 2014 with UNICEF, formally ended in December 2016. The campaign was designed to generate momentum, political will, local ownership and international support to end and prevent the recruitment of children by national security forces in conflict situations. The campaign successfully raised international awareness on child recruitment and garnered vital support from Member States and civil society in view of putting an end to the practice. This work continues and has built on the progress achieved and lessons learned from the experiences of countries that have fully implemented their action plans.

24. At the time of the launch, eight countries were concerned by the campaign: Afghanistan; Chad; the Democratic Republic of the Congo; Myanmar; Somalia; South Sudan; the Sudan; and Yemen. Each of these countries has since demonstrated its commitment to a child-free army by signing action plans with the United Nations, thus strengthening an emerging global consensus that children should not be recruited and used in conflict.

25. Three years later, the consensus envisioned is now a reality, and thousands of children have been released and reintegrated with the assistance of UNICEF, peacekeeping and political missions, and other United Nations and partner NGOs on the ground. All Governments concerned by the campaign are engaged in an action plan process with the United Nations. Chad and the Democratic Republic of the Congo have met the benchmarks set out in their action plans to end and prevent the recruitment of children in their armed forces. In Afghanistan, efforts to prevent underage recruitment have led to the adoption of age verification guidelines, which are used in child protection units that have been set up in 21 national police recruitment centres nationwide. Since their inception, child protection units have prevented almost 1,300 children (including 14 girls) from joining the police. The implementation of the action plan signed with the Sudanese national forces in 2016 is going apace with the development of a work plan on the implementation of the commitment and the formation of high-level and technical committees through presidential decrees. Command orders for the dissemination of the action plan were issued and focal points at the rank of Inspector-General were appointed to facilitate discussions on access. In Myanmar since 2012, close to 850 children and young people recruited as children have been released from the ranks of the Tatmadaw. In early 2017, the Government endorsed the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), but, along with

Somalia, is still to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.[6]

26. Ongoing crises have hampered progress in the implementation of action plans in Somalia, South Sudan and Yemen, but advocacy continued to secure the release of children associated with armed forces and armed groups.

27. The campaign has helped to generate new possibilities of engagement to respond to and prevent violations committed by non-State armed groups. More than 60 per cent of armed groups included in the annexes to the annual report of the Secretary-General on children and armed conflict (see A/70/836-S/2016/360) for the recruitment and use of children are active in countries where government forces are also listed, illustrating that the actions of armed groups are influenced by the conduct of government forces. In that regard, in the Democratic Republic of the Congo, progress on the implementation of the action plan energized a broader national campaign to raise awareness against the recruitment and use of children by armed groups, which, among other things, is using the national football team and local artists as spokespersons. This initiative aims to engender a greater recognition among commanders of non-State armed groups of the legal and political repercussions associated with the recruitment of boys and girls.

28. The success of the "Children, not soldiers" campaign has opened additional avenues to strengthen child protection by increasing the awareness of parties to conflict of the impact of all six grave violations. In this regard, where appropriate, new action plans signed with parties to conflict go beyond ending and preventing the recruitment and use of children and include other grave violations. A new campaign, currently being elaborated by the Office of the Special Representative, will build on this momentum and focus on all the six grave violations.

29. In order to fully realize the goals of creating child-free armies, children formerly associated with armed forces must be appropriately reintegrated into society to prevent them from being rerecruited, thus breaking the cycle of violence. Following the release of children from armed forces or groups, a focus must be placed on the adequate programming and funding of reintegration programmes. Children who have been recruited and used carry the scars of conflict; thus effective reintegration is vital so that they can live full lives and contribute to a peaceful society. Girls face even greater difficulties in being accepted back into their families and communities, as they are often stigmatized or may be bringing a child home with them. Without adequate reintegration and assistance to help children find ways to become productive members of their communities, these boys and girls may grow up to contribute to the stalling or, worse, the reversal of peace and development efforts.

30. Community-based reintegration services that provide psychosocial assistance to children have been designed to help them reclaim their lives through educational and vocational opportunities, taking into account the particular needs of girls. In this regard, the Special Representative reiterates her call to Member States and regional and subregional organizations to ensure that the resources for separation and reintegration are sufficient and that there is a focus on sustainability, including by ensuring that children are reintegrated into safe and secure environments.

B. Addressing grave violations by non-State armed groups

31. In a particularly significant development outside of the purview of the campaign, the United Nations continued direct engagement with the Government of

[6] United Nations, *Treaty Series*, vol. 2173, No. 27531.

Colombia and the Revolutionary Armed Forces of Colombia — People's Army. Efforts continued to ensure prioritization of the separation and reintegration of all children associated with the Revolutionary Armed Forces of Colombia — People's Army and to put in place guarantees of non-repetition to prevent rerecruitment by other armed actors. The Special Representative urges the Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army to fully and successfully implement the separation of children and demonstrate the importance of progress on this issue to other parties to conflict.

32. Throughout the reporting period, interactions also took place between the United Nations and armed groups from the Central African Republic, Mali, Myanmar, Nigeria, the Philippines, South Sudan and the Sudan. In the Philippines, the Moro Islamic Liberation Front and Bangsamoro Islamic Armed Forces continued to implement their action plan and achieved significant progress. The group has now put in place all the elements necessary to prevent recruitment, and all 1,869 children identified by the Moro Islamic Liberation Front as associated with its armed wing underwent formal disengagement in a series of ceremonies, the last of which took place in March 2017. The Moro Islamic Liberation Front also promulgated a directive that requires regular self-monitoring and screening of armed elements as well as age assessment guidelines to establish internal safeguards for the prevention of association and reassociation of children.

33. Engagement by the United Nations with non-State armed groups also resulted in the signing of two new action plans in the reporting period. In the Sudan, the Secretary-General of the Sudan People's Liberation Movement-North signed an action plan in Geneva in November 2016 to end and prevent the recruitment and use of children, on the margins of a meeting held by Geneva Call, an NGO. The Sudan People's Liberation Movement-North committed to ensuring the release of children present in their ranks and to taking the measures necessary to halt child recruitment and use, including through the issuance and dissemination of military orders and the appointment of a high-level focal point to coordinate and collaborate with the United Nations to ensure the full implementation of this action plan. The group also pledged to facilitate the reintegration of the children in their communities. Lastly, in March 2017 in Mali, the Coordination des mouvements de l'Azawad signed an action plan with the United Nations to prevent the recruitment and use and sexual violence against children. This was a particularly positive development in the light of the fact that all entities under the umbrella of the Coordination des mouvements de l'Azawad are bound by the provisions of the action plan, notwithstanding that only the Mouvement national de libération de l'Azawad is listed in annex I to the Secretary-General's report on children and armed conflict (A/70/836-S/2016/360).

IV. Raising global awareness and mainstreaming

A. Field visits and awareness-raising

34. Field visits and awareness-raising remained a central aspect of the activities of the Special Representative and her Office. In that regard, following the sustained exchanges with the Government of Colombia, the Revolutionary Armed Forces of Colombia — People's Army and the guarantors, the Special Representative was invited to attend the official signing ceremony of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, which was held in Cartagena on 26 September 2016. In her exchanges with representatives from the Government and the Revolutionary Armed Forces of Colombia — People's Army, the Special Representative congratulated both negotiating parties for reaching an agreement,

which included the best interest of the child and the primacy of children's rights as guiding principles.

35. In February 2017, the Special Representative gave an address in Brussels at the high-level opening of the Conference on Children and Armed Conflict, organized by Belgium under the theme "Sharing experiences on developing and implementing child protection policies in conflict settings". She also chaired a panel on the implementation of Security Council resolutions in the field. During the conference, the importance of identifying and sharing best practices between different organizations on developing and implementing child protection policies, including training and guidance, was emphasized.

36. Also in February 2017, the Special Representative participated in a ministerial international conference in Paris, co-hosted by the Government of France and UNICEF and in collaboration with the Paris Principles Steering Group, to commemorate the tenth anniversary of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles. The Special Representative delivered a speech during the plenary session and presented, among others, the outcomes of the "Children, not soldiers" campaign.

37. The Office of the Special Representative also took part in an annual workshop on children and armed conflict and women, peace and security, organized by the Federal Foreign Office of Germany in Berlin in April 2017. Concrete opportunities for Member States and regional organizations to deepen their engagement with regard to the protection of children affected by conflict were put forward at that occasion.

38. In June 2017 in London, the Special Representative was invited to be part of a high-level panel discussion on encouraging respect for law by non-State armed groups on the occasion of a conference organized by the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland and the British Red Cross on the theme "Modern armed conflict and the evolution of international humanitarian law". During that visit, the Special Representative also met with the Foreign and Commonwealth Office, as well as a number of London-based NGOs.

B. Working with regional organizations

African Union

39. The strong partnership between the Special Representative and the African Union continued, and the Special Representative participated in the annual African Union high-level retreat for special envoys and mediators, held in Sharm el Sheikh, Egypt, in October 2016. The retreat focused on mediation practices and contemporary wars, and the Special Representative worked with participants to highlight the children and armed conflict concerns relevant to their work. The issue of violations attributed to contingents of the African Union Mission in Somalia was also discussed during the reporting period.

European Union

40. The Special Representative continued to strengthen her partnership with the European Union. In February and June 2017, she addressed the Political and Security Committee of the Council of the European Union and in June 2017, she also addressed the European Parliament Subcommittee on Human Rights and met in Brussels with the European Union Special Representative for Human Rights. During

these meetings, views and information were exchanged on the impact of armed conflict on children and on ways to further strengthen the cooperation between the European Union and the Office of the Special Representative with regard to the protection of children affected by armed conflict.

League of Arab States

41. Pursuant to the cooperation agreement between the League of Arab States and the Office of the Special Representative signed in 2014, the Special Representative continued to engage with the League of Arab States, including to advocate for ratification by all Members of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Building on this progress, the Office will seek to further deepen engagement with the regional organization during the next reporting period.

North Atlantic Treaty Organization

42. The Special Representative engaged with NATO, with a view to deepening the partnership on the issue of children and armed conflict. In January 2017 in New York, the Special Representative met with the Commander of the Resolute Support Mission and United States Forces in Afghanistan, and in February 2017 in Brussels, she met with the Deputy Secretary-General of NATO to discuss ways to further strengthen the protection of children in NATO-led operations.

43. The Office of the Special Representative contributed to the development of NATO policies and guidelines on children and armed conflict, including the standard operating procedure on reporting and information-sharing in support of children and armed conflict, adopted in September 2016, which identifies the role of NATO in protecting children affected by armed conflict.

Organization of Islamic Cooperation

44. In November 2016, the Special Representative was invited to the thematic debate of the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation on protecting and promoting the rights of children during situations of armed conflict, foreign occupation, emergencies and disasters. She delivered an address in which she encouraged further interaction between her Office and the Commission, and her Office provided inputs for the outcome document.

C. Building support with civil society

45. Strengthening relationships with academia as well as civil society and NGOs working on the issue of children and armed conflict is a key priority for the Special Representative. In that regard, in November 2016 in Geneva, she attended a meeting of non-State actors on the protection of children in armed conflict convened by Geneva Call, allowing her to discuss international child protection mechanisms and illustrate how the development and implementation of action plans can lead to strengthened child protection in conflict situations. The Special Representative also addressed Member States and civil society organizations through a video message at the second International Conference on Safe Schools, held in Buenos Aires in March 2017. Moreover, in recent months, the new incumbent has held joint briefings to share information on her priorities for the Office and to discuss ways of upholding the focus on the children and armed conflict agenda. The Special Representative met with over 50 organizations, in London, Brussels, Geneva and New York in June and July 2017.

D. Building support on partnerships with United Nations mechanisms and international organizations

46. The Special Representative continued to foster international cooperation to ensure respect for the rights of children affected by armed conflict. In that regard, in New York in February 2017, the General Assembly convened an informal meeting to commemorate the twentieth anniversary of the children and armed conflict mandate. Panellists and Member States expressed their continued support to the mandate, highlighting that at a time where emerging and protracted conflicts are disrupting the lives of millions of boys and girls around the world, the mandate is more relevant than ever. At the occasion of the anniversary, the Special Representative published a booklet entitled "20 years to better protect children affected by conflict" on the work accomplished in the 20 years since the establishment of the mandate, which is available in English and French.

47. In addition to direct engagement with the General Assembly, there was intensive collaboration with other United Nations entities, in particular UNICEF, the Department of Peacekeeping Operations, the Department of Political Affairs and the Office for the Coordination of Humanitarian Affairs. Moreover, in September 2016, the Special Representative participated in an event organized by the International Labour Organization and the Ford Foundation on the Global Alliance to eradicate forced labour, modern slavery, human trafficking and child labour (Alliance 8.7). On that occasion, she provided details on the contribution of her mandate to efforts to achieve target 8.7 of the 2030 Agenda for Sustainable Development.

48. In continuation of the Special Representative's long-standing collaboration with the International Criminal Court and following inputs provided by her Office to the Prosecutor's Policy Paper on Children, the Special Representative intervened by video message at the official launch of the paper in November 2016.

49. The following month, the Special Representative was invited by the United Nations High Commissioner for Refugees to the ninth annual High Commissioner's Dialogue on Protection Challenges under the theme "Children on the move". In her speech, she focused, among other things, on ways to improve the international protection response for children affected by conflict.

50. The deprivation of liberty for children in situations of armed conflict remained an area of concern for the Special Representative, related in particular to responses to violent extremism. In that regard, the Office of the Special Representative worked closely with the United Nations Office on Drugs and Crime and participated in December 2016 in an expert group meeting in Vienna on the treatment of children recruited and exploited by terrorist and violent extremist groups by the justice system. The Special Representative also continued to contribute to the in-depth global study on children deprived of liberty, pursuant to General Assembly resolution 69/157, paragraph 52 (d). In January and March 2017, respectively, the Special Representative was a panellist at briefings given in New York and Geneva to Member States on the global study.

51. Regular communication with the Human Rights Council to raise awareness and address violations of the rights of children in situations of conflict continued during the reporting period. In Geneva in March 2017, the Special Representative presented her annual report to the Council. The Office of the Special Representative also contributed to the work of the human rights mechanisms through submissions to the universal periodic review process of the Human Rights Council.

52. At the request of the Security Council, the Special Representative engaged with sanctions committees to brief them and provide information on grave

violations committed against children. In the reporting period, she briefed the sanctions committees concerning the situation in the Democratic Republic of the Congo in November 2016 and the situation in South Sudan in March 2017. Also in New York, the Special Representative briefed the Working Group of the Security Council on Children and Armed Conflict on specific country situations to keep Council members abreast of the latest developments pertaining to the mandate. During the 12-month period, country reports of the Secretary-General on children and armed conflict were issued for Colombia, Nigeria, the Philippines, Somalia and the Sudan. On 6 July 2017, the Special Representative briefed the Council on the situation in the Democratic Republic of the Congo. The Special Representative also led the preparation of the annual report of the Secretary-General on children and armed conflict. The Chair of the Committee on the Rights of the Child and members of the Committee remained key interlocutors to enhance information-sharing and encourage joint advocacy throughout the reporting period. In that regard, the Special Representative advocated for the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, with Member States that had not already ratified the treaty. To that end, she held bilateral meetings with Member States and actively briefed regional organizations, civil society and regional groups on the matter. During the reporting period, Pakistan ratified the Optional Protocol, bringing the total number of parties to 166.

V. Recommendations

53. **The Special Representative calls upon parties to conflict, Member States, regional and subregional organizations to make every effort to protect education in situations of armed conflict, including through adopting concrete measures to deter the military use of schools. In particular, the Special Representative encourages Member States that have not already done so to endorse the Safe Schools Declaration.**

54. **The Special Representative calls upon Member States to provide appropriate funding for education programmes in conflict-related emergency situations, in particular when applying the comprehensive refugee response framework, and to ensure that appropriate provisions on children affected by armed conflict are included in the global compact on refugees.**

55. **The Special Representative expresses her concern in relation to the increased use of besiegement as a tactic of war and reminds all parties to conflict of their obligations under international law regarding the provision of assistance to the civilian population and implores them to depoliticize the delivery of humanitarian aid to children. Specifically, clear orders should be disseminated among the rank and file to specify that humanitarian assistance for children should be facilitated in all circumstances.**

56. **The Special Representative urges Member States and regional and subregional organizations to support her Office and other child protection actors to carry out lessons learned initiatives in order to compile comprehensive best practices on the children and armed conflict mandate. These best practices will be essential in discussions with parties to conflict, including on reducing the impact of the conduct of hostilities on children.**

57. **The Special Representative welcomes the leadership and contribution of regional and subregional organizations in the protection of children. She calls upon all these organizations to work closely with her Office to enhance legal protection frameworks as well as to facilitate the better integration of child**

protection considerations in their policies, operational planning and training of personnel.

58. **Recalling that the issue of the reintegration of children is crucial to ensure long-term peace, security and sustainable development, the Special Representative encourages the Member States concerned to take appropriate measures, including through supporting the relevant child protection actors, to reintegrate those children, giving special attention to the needs of girls. She also calls upon all Member States to provide the necessary political, technical and financial support to reintegration programmes.**

59. **The Special Representative notes the need to ensure that sufficient resources are provided to the Office and its partners to enable an increased focus on mandated tasks such as awareness-raising, lessons learned, best practices and proactive engagement with regional and subregional organizations.**

60. **In view of supporting the broader prevention efforts of the United Nations, the Special Representative emphasizes the importance of ensuring appropriate child protection capacity in situations on the children and armed conflict agenda and calls upon members of the General Assembly to support the strengthening of country-level capacity, whenever possible.**

United Nations A/72/277

General Assembly

Distr.: General
3 August 2017

Original: English

Seventy-second session
Item 73 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

National institutions for the promotion and protection of human rights

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 70/163, in which the Assembly requested the Secretary-General to report on the implementation of that resolution. The report, which covers the period from September 2016 to August 2017, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions, support provided by the United Nations Development Programme and other United Nations agencies, funds and programmes to national human rights institutions, cooperation between those institutions and the international human rights system and support provided by OHCHR to the Global Alliance of National Human Rights Institutions and relevant regional networks.

* A/72/150.

** All references to Kosovo in the present report, whether to the territory, institutions or population, are to be construed in the context of Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

17-13294 (E) 240817

Please recycle

Contents

		Page
I.	Introduction	3
II.	Support of the Office of the United Nations High Commissioner for Human Rights to national human rights institutions	4
	A. Advisory services	4
	B. Support to regional and subregional initiatives by national human rights institutions	10
	C. Contributions to international initiatives supporting national human rights institutions	10
III.	Support from the United Nations Development Programme and other United Nations agencies, funds and programmes to national human rights institutions	11
IV.	Cooperation between United Nations human rights mechanisms and national human rights institutions	12
	A. Human Rights Council	12
	B. United Nations treaty bodies	13
	C. Other United Nations mechanisms and processes	14
V.	Recommendations	14
	A. Recommendations to Member States	14
	B. Recommendations to national human rights institutions	15
Annexes		
I.	Submissions from national human rights institutions to the Human Rights Council (submitted between September 2016 and June 2017)	16
II.	Engagement of national human rights institutions in the second and third cycles of the universal periodic review (2016-2017)	21
III.	Engagement of national human rights institutions in the work of the treaty bodies (September 2016-August 2017)	22

I. Introduction

1. The present report is submitted pursuant to paragraph 28 of General Assembly resolution 70/163, in which the Assembly requested the Secretary-General to report to it at its seventy-second session on the implementation of the resolution.

2. The report outlines activities implemented since the last report of the Secretary-General to the Human Rights Council (A/HRC/33/33) and covers the period from September 2016 to August 2017.

3. In resolution 70/163, the General Assembly recalled the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and in their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights.

4. In practice, many national human rights institutions play an important role in preventing conflicts and in early warning, including through monitoring serious human rights violations. In addition, many are engaged in ensuring that the implementation of the Sustainable Development Goals is human-rights based.

5. The General Assembly also recognized the important role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the development of independent and effective national human rights institutions, guided by the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Assembly encouraged all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes to work with Member States and national institutions to develop projects in the area of good governance and the rule of law, and in that regard welcomed the efforts made by the United Nations High Commissioner for Human Rights to develop partnerships in support of national institutions, including the tripartite partnership between the United Nations Development Programme (UNDP), OHCHR and the Global Alliance of National Human Rights Institutions.

6. In paragraph 11 of resolution 70/163, the General Assembly stressed that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their mandates, including when taking up individual cases or when reporting on serious or systematic human rights violations. In that regard, in resolution 70/163 the Assembly also called upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them.

7. The General Assembly urged the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions.

II. Support of the Office of the United Nations High Commissioner for Human Rights to national human rights institutions

A. Advisory services

8. The National Institutions, Regional Mechanisms and Civil Society Section is the focal point within OHCHR for the coordination of the activities to establish and/or strengthen national human rights institutions. Together with OHCHR field presences, other United Nations entities, in particular UNDP, and regional networks of national human rights institutions, OHCHR assists Governments in the establishment of national human rights institutions and/or contributes to building the capacity of such institutions. In that context, OHCHR works closely with regional intergovernmental organizations, academic institutions, civil society organizations and other stakeholders.

9. OHCHR provides national human rights institutions and other stakeholders with technical and legal assistance, in particular regarding constitutional and legislative frameworks relating to the establishment, nature, functions, powers and responsibilities of institutions. It also conducts and supports comparative analysis, technical cooperation projects, needs assessments and evaluation missions to establish and strengthen the capacity of national human rights institutions to discharge their mandate effectively.

10. During the period under review, OHCHR provided advice and/or assistance on the strengthening of human rights institutions in Afghanistan, Argentina, Armenia, Azerbaijan, Bahrain, Barbados, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cameroon, Chad, Chile, Colombia, the Comoros, the Congo, Costa Rica, Croatia, Egypt, El Salvador, Ethiopia, Fiji, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iraq, Ireland, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Liberia, Libya, Madagascar, Maldives, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Nicaragua, Oman, Panama, Peru, the Philippines, the Republic of Moldova, the Russian Federation, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Slovakia, Somalia, South Africa, Swaziland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Uzbekistan, Zimbabwe, Kosovo and the State of Palestine.

11. OHCHR also provided assistance to activities aimed at the establishment of national human rights institutions in the Bahamas, Benin, Botswana, Chad, the Democratic Republic of the Congo, the Dominican Republic, the Gambia, Guinea, Iceland, Jamaica, Kuwait, Nauru, Papua New Guinea, Saint Kitts and Nevis, Seychelles, South Sudan, Suriname, Swaziland, Turkmenistan, the United Arab Emirates and Vanuatu.

12. In some cases, this assistance was provided jointly with United Nations agencies, funds and programmes and other partners.

1. Africa

13. During the period under review, the OHCHR regional offices for Central, East, Southern and West Africa, the OHCHR country offices in Burundi, Guinea and Uganda, the human rights advisers to the United Nations country teams in Chad, Kenya, Madagascar, Malawi, Mozambique, the Niger, Nigeria, Rwanda and Sierra Leone and the human rights components of the United Nations missions in the

Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Mali, Somalia, South Sudan and the Sudan (in Darfur) continued, in consultation with the OHCHR National Institutions, Regional Mechanisms and Civil Society Section, to provide advice on and assistance in the establishment and/or strengthening of national human rights institutions.

Legislative advice

14. During the period under review, OHCHR provided advice on the draft law for the establishment of national human rights institutions in the Gambia, Seychelles and Swaziland.

Capacity-building

15. In Burundi, OHCHR provided support and assistance to the National Independent Human Rights Commission to establish regional offices, recruit staff members and purchase equipment.

16. In Guinea, OHCHR provided advice to the National Human Rights Commission on drafting its annual report for 2016. In May 2017, it conducted training for the Commissioners on human rights monitoring, reporting and transitional justice.

17. In Kenya, since November 2016 OHCHR and UNDP have been providing support to the National Commission on Human Rights for the deployment of human rights monitors for the electoral process. OHCHR organized three specialized training sessions on human rights monitoring in the context of elections. It also trained the staff on the development and use of Sustainable Development Goal indicators and related data disaggregation and measurement.

18. In Liberia, in November 2016 OHCHR organized training sessions for the staff of the Independent National Commission on Human Rights on database management and human rights monitoring. In March 2017, it supported the development of a complaints handling database and provided expertise for the development of a five-year strategic plan.

19. In Madagascar, in October 2016 OHCHR provided technical support for budget drafting to the Independent National Human Rights Commission. It also organized eight capacity-building workshops for the Commission on the promotion and protection of human rights.

20. In May 2017, OHCHR, the Human Rights Division of the United Nations Mission in South Sudan and UNDP co-organized a workshop on the Paris Principles for the South Sudan Human Rights Commission. OHCHR supported the participation of two resource persons from the national human rights institution of Zimbabwe and of the Network of African National Human Rights Institutions in the workshop.

21. Between November 2016 and March 2017, OHCHR and UNDP supported the engagement of the Uganda Human Rights Commission with international human rights mechanisms, including the universal periodic review and special procedures. OHCHR also continued to support the Commission in developing a database to take stock of the recommendations of international and regional human rights mechanisms.

2. Americas and the Caribbean

22. During the period under review, the OHCHR regional offices for South America and for Central America, the country offices in Bolivia (Plurinational State

of), Colombia, Guatemala, Honduras and Mexico, the human rights advisers to the United Nations country teams in Barbados, the Dominican Republic, Jamaica and Paraguay and the human rights component of the United Nations Stabilization Mission in Haiti continued to provide advice on and assistance in strengthening national human rights institutions, in consultation with the OHCHR National Institutions, Regional Mechanisms and Civil Society Section.

Legislative advice

23. OHCHR provided legislative and technical advice to Jamaica and Saint Kitts and Nevis aimed at the establishment of national human rights institutions in line with the Paris Principles.

Capacity-building

24. In June 2017, OHCHR provided technical and substantive support to the Office of the Ombudsman of Costa Rica to hold a webinar between leading lesbian, gay, bisexual, transgender and intersex (LGBTI) groups and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

25. In Guatemala, OHCHR has monitored the selection process of the new Counsel for Human Rights since April 2017 and has provided technical assistance for the development of a new set of selection criteria. OHCHR also strengthened the capacity of the Office of the Counsel to receive, analyse and document cases of human rights violations.

26. In Haiti, OHCHR provided support to the Office of the Ombudsman to establish two regional offices. It also supported the participation of the Ombudsman and the Director of the Protection Unit in the universal periodic review of Haiti in November 2016 and in the annual meeting of the Global Alliance of National Human Rights Institutions in March 2017.

27. In Honduras, OHCHR and UNDP conducted a capacity assessment of the National Commission for Human Rights. In February and April 2017, OHCHR organized training sessions for the Commission on the rights of indigenous peoples and a human rights-based approach to development. Also in April 2017, OHCHR and UNDP facilitated a strategic planning workshop to support the inclusive drafting of an institutional capacity development plan with concrete results and indicators to implement recommendations.

28. In April 2017, OHCHR provided support to the Office of the Ombudsman of Panama for the organization of a seminar on the protection of human rights defenders.

3. Asia and the Pacific

29. During the period under review, the OHCHR regional offices for South-East Asia and for the Pacific, the human rights advisers to the United Nations country teams in Bangladesh, Papua New Guinea, the Philippines, Sri Lanka and Timor-Leste and the human rights component of the United Nations Assistance Mission in Afghanistan (UNAMA) continued to provide advice and assistance for the establishment or strengthening of national human rights institutions, in consultation with the OHCHR National Institutions, Regional Mechanisms and Civil Society Section.

Legislative advice

30. During the period under review, OHCHR provided legislative and technical advice to the national human rights institutions of Fiji, India and Indonesia.

31. OHCHR also provided legislative and technical advice to Nauru and Vanuatu for the establishment of a national human rights institution in line with the Paris Principles.

Capacity-building

32. In September 2016, OHCHR provided technical support to the Afghanistan Independent Human Rights Commission to increase its database security to protect sensitive information. OHCHR also supported the establishment of an advocacy committee (composed of members of the Commission, the UNAMA Human Rights Unit (which is part of OHCHR), the United Nations Children's Fund (UNICEF) and the Afghanistan Justice Sector Support Program) to combat sexual slavery of boys (*bacha bazi*).

33. In October 2016, in Timor-Leste, OHCHR conducted training sessions for the Office of the Ombudsman on the universal periodic review. In November 2016, it organized a training session on human rights monitoring and implementation of good governance principles during the election process. OHCHR also provided support to the Ombudsman to conduct human rights training sessions for police officers and a comprehensive human rights capacity-building programme for the army.

4. Europe and Central Asia

34. During the period under review, the OHCHR regional offices for Europe and for Central Asia, the human rights advisers for the South Caucasus, in the former Yugoslav Republic of Macedonia and in Serbia, the Human Rights Office in the United Nations Mission in Kosovo, the joint OHCHR-Russian Federation project, the team in the Republic of Moldova led by a national human rights officer, as well as the human rights monitoring mission in Ukraine, continued to provide advice and assistance for the establishment and/or strengthening of human rights institutions, in consultation with the OHCHR National Institutions, Regional Mechanisms and Civil Society Section.

Legislative advice

35. In March 2017, OHCHR and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) provided advice to the Ombudsman of Bulgaria to amend the enabling law of the human rights institution in line with the Paris Principles.

36. In January 2017, OHCHR and the OSCE Office for Democratic Institutions and Human Rights provided advice on the draft law for the establishment of the national human rights institution of Iceland.

37. In 2017, OHCHR provided advice on draft amendments to the enabling law of the Ombudsman of Kyrgyzstan and of Tajikistan, as well as to the law on the national preventive mechanism in Kazakhstan.

38. OHCHR and UNDP provided technical support to Turkmenistan with regard to the new law on the Ombudsman, which entered into force on 1 January 2017. On 11 May 2017, UNDP, OHCHR and OSCE supported the organization of a round table in Ashgabat to discuss the implementation of the law.

39. OHCHR also provided legislative and technical advice to the National Human Rights Centre of Uzbekistan.

Capacity-building

40. In April 2017, OHCHR supported a workshop on migration and counter-terrorism organized by the Ombudsman of Croatia.

41. In April 2017, OHCHR conducted training sessions on United Nations human rights mechanisms for the Ombudsman of the former Yugoslav Republic of Macedonia. It also supported the translation and publication of the national preventive mechanism reports into English.

42. In Kazakhstan, OHCHR advocated for the strengthening of the Office of the Commissioner for Human Rights, which led to constitutional amendments of its enabling law in March 2017. In February and March 2017, OHCHR organized two training sessions on standards for preventive visits for the newly appointed members of the national preventive mechanism. In May 2017, OHCHR supported the Ombudsman in launching the annual report on his activities.

43. In June 2017, OHCHR provided technical advice to the Ombudsman of Kyrgyzstan on the annual report of the Ombudsman for 2016. It also assisted the Ombudsman in creating a methodology to facilitate the collection and systematization of information coming from the regional offices.

44. In the Republic of Moldova, in November 2016 OHCHR, UNDP and the Ombudsman of the Republic of Moldova co-organized a workshop on the implementation of recommendations from the universal periodic review. In May 2017, OHCHR conducted a workshop on minority rights for representatives of the Ombudsman, the Equality Council and the Constitutional Court to discuss the recommendations formulated by the Special Rapporteur on minority issues following her mission to the country in June 2016.

45. In the Russian Federation, in February and March 2017 OHCHR facilitated the organization of a workshop for the Commissioner for Human Rights in the Russian Federation and the regional Ombudsmen on international human rights mechanisms, promoting equality and combating discrimination, as well as a round table on developing an environment free from discrimination in football. OHCHR also developed a website providing information on the methods of work of the United Nations human rights mechanisms and on the practice of treaty bodies.

46. In Tajikistan, OHCHR provided support to the national preventive mechanism before and after its visits to detention premises. In November 2016, it organized a training session on reporting to the human rights treaty bodies.

47. In May 2017, OHCHR, together with the Parliament of Turkmenistan, OSCE, UNDP and UNICEF, organized a round-table discussion on international best practices and guiding principles for establishing the Office of the Ombudsman in Turkmenistan.

48. In January 2017, OHCHR provided advice to the United Kingdom Equality and Human Rights Commission on a human rights-based approach to disaggregation and data collection.

5. Middle East and North Africa

49. During the period under review, the OHCHR regional offices for the Middle East and for North Africa, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, the OHCHR offices in Mauritania, Tunisia, Yemen and the State of Palestine and the human

rights components of the United Nations Assistance Mission for Iraq and the United Nations Support Mission in Libya continued to provide advice and assistance for the establishment and/or strengthening of national human rights institutions, in consultation with the OHCHR National Institutions, Regional Mechanisms and Civil Society Section.

Legislative advice

50. OHCHR provided advice to the National Council for Human Rights of Egypt to amend its founding law in line with the Paris Principles. Legislative advice was also provided to the Oman Human Rights Commission, the National Institution for Human Rights of Bahrain and the National Commission on Human Rights of Mauritania.

Capacity-building

51. In March and April 2017, at the request of the National Institution for Human Rights of Bahrain, OHCHR, UNDP, the Asia-Pacific Forum of National Human Rights Institutions and the Oman Human Rights Commission conducted a capacity assessment of the Institution.

52. In Djibouti, OHCHR and UNDP conducted a scoping mission in March 2017, which led to the development of a programme implementation plan outlining strategic activities with a view to requesting accreditation by the Global Alliance of National Human Rights Institutions.

53. OHCHR provided the Independent High Commission for Human Rights of Iraq with seven training sessions, as well as with technical and logistical support through the renovation and rehabilitation of its headquarters and regional offices. OHCHR also provided technical assistance for the process of selection of new Commissioners by receiving and filing the applications. It provided technical advice to the secretariat on how to maintain confidentiality, impartiality and transparency during the selection process.

54. In November 2016, OHCHR co-sponsored an event with the National Human Rights Council of Morocco on the role of national human rights institutions in addressing climate change, prior to the twenty-second Conference of the Parties to the United Nations Framework Convention on Climate Change.

55. OHCHR continued to assist the Independent Commission for Human Rights of the State of Palestine in monitoring the implementation of international human rights instruments to which the State of Palestine is a party. In November 2016, OHCHR organized a training session for the staff of the Commission on monitoring the implementation of the International Covenant on Economic, Social and Cultural rights. In May 2017, OHCHR, in cooperation with the Danish Institute for Human Rights, conducted two training sessions for the staff of the Commission on engagement with the United Nations treaty bodies and facilitated the participation of the institution in a session of the Committee on the Rights of the Child. OHCHR also organized a workshop on using indicators and a human rights-based approach to data in the measurement and implementation of human rights obligations.

56. In Tunisia, OHCHR provided support to the High Committee for Human Rights and Fundamental Freedoms to organize a workshop, held in November 2016, to facilitate cooperation between the Committee and the Government. OHCHR provided technical advice by preparing the agenda, identifying relevant potential participants and facilitating a presentation on the practice of national human rights institutions in handling complaints and on the quasi-judicial functions of national human rights institutions. OHCHR prepared the final report of the workshop

containing a set of recommendations. In December 2016, OHCHR conducted a capacity assessment of the High Committee and, in February 2017, it organized a workshop on report writing for its staff.

B. Support to regional and subregional initiatives by national human rights institutions

1. Africa

57. During the period under review, OHCHR and the International Organization of la Francophonie convened a workshop which brought together the national human rights institutions of Madagascar, Kenya and Togo to exchange best practices.

2. Americas and the Caribbean

58. In December 2016 and April 2017, the OHCHR Regional Office for Central America and the Office of the United Nations High Commissioner for Refugees provided support to special sessions of the Central American Council of Human Rights Ombudsmen on the protection needs of migrants, displaced persons and human rights defenders in the region.

3. Europe and Central Asia

59. In November 2016, the OHCHR Regional Office for Central Asia and UNDP organized regional consultations in Istanbul, Turkey, for national human rights institutions of Central Asia, to build partnerships and foster peer-to-peer support and exchange of expertise.

60. In April 2017, OHCHR participated in a meeting of the Advisory Committee of the European Network of National Human Rights Institutions.

61. In April 2017, the national human rights institutions of Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan participated in a workshop organized by the Asia-Pacific Forum of National Human Rights Institutions, to which OHCHR provided technical expertise.

4. Middle East and North Africa

62. In October 2016, OHCHR organized a capacity-building workshop in Muscat on monitoring hate speech for Arab national human rights institutions.

63. In Amman in December 2016, OHCHR and UNDP provided support for the organization of a workshop on the Sustainable Development Goals for Arab national human rights institutions.

C. Contributions to international initiatives supporting national human rights institutions

1. Global Alliance of National Human Rights Institutions

64. Article 6 of the statute of the Global Alliance of National Human Rights Institutions provides that its General Meetings, the meetings of its Bureau and of the Subcommittee on Accreditation and its International Conferences shall be held under the auspices of, and in cooperation with, OHCHR. Thus, OHCHR provided substantive support and secretariat services to the General Meeting of the Global Alliance in March 2017 and for its two Bureau meetings, in October 2016 and March 2017.

2. Subcommittee on Accreditation

65. OHCHR provides substantive support, technical advice and secretariat services to the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. During the period under review, the Subcommittee met twice, in November 2016 and March 2017, and reviewed 28 institutions leading to 23 re-accreditations, four new accreditations and one special review.

66. The Secretary-General has stated in his biannual reports to the Human Rights Council on the activities of the Global Alliance in accrediting national institutions in compliance with the Paris Principles (A/HRC/33/34, para. 31, and A/HRC/27/40, para. 26) that the presence of OHCHR at all the meetings of the Subcommittee was instrumental to attesting to the compliance of the accreditation process with the established rules of procedure and contributed to its transparency, fairness and rigour.

3. Fellowship programme for staff of national human rights institutions

67. OHCHR maintains its fellowship programme for the staff of "A" status national human rights institutions. Initiated in 2008, the programme is designed to provide fellows with information on and working experience with the international human rights system, as well as to familiarize them with the work of OHCHR in the promotion and protection of human rights. During the period under review, fellows from the human rights institutions of Afghanistan, Albania, India, Nigeria, Qatar, Rwanda, Uganda and the United Republic of Tanzania participated in the programme.

III. Support from the United Nations Development Programme and other United Nations agencies, funds and programmes to national human rights institutions

68. OHCHR, UNDP and the Global Alliance of National Human Rights Institutions entered into a strategic tri-partite partnership in 2011 to support national human rights institutions at the global, regional and national levels. In line with their mandate, each partner brings a specific expertise to the partnership in support of national human rights institutions around the world. In February 2017, the leadership of the three partners signed a letter of intent formalizing their commitment to enhancing their cooperation. In July 2017, during a tri-partite partnership review meeting, the partners continued to discuss areas of strategic priority and engagement, as well as the format of the process for the way forward in expanding their partnership.

69. In Africa, UNDP and the International Development Law Organization supported the Kenya National Commission on Human Rights to develop a manual on the human rights-based approach for policymakers at the county level. UNDP also supported the Human Rights Commission of Sierra Leone to inspect detention facilities to assess the conditions for detainees. In the Sudan, UNDP supported the development of an automated management system for people to lodge complaints online, which was launched in July 2017. From April to August 2017, UNDP, in partnership with OHCHR, supported the Kenyan National Commission on Human Rights to dispatch 84 human rights monitors to 28 counties to record human rights violations throughout the electoral cycle.

70. In the Asia-Pacific region, UNDP and the Asia-Pacific Forum of National Human Rights Institutions conducted three learning programmes for the national human rights institutions of the region on LGBTI rights, in December 2016 and in

February and June 2017. In April 2017, they organized a global conference on the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity with representatives of national human rights institutions and civil society. In November 2016 and June 2017, UNDP supported the participation of the national human rights institutions of Thailand, the Philippines, Malaysia and Indonesia in conferences on business and human rights. In Nepal, UNDP facilitated cooperation between the National Human Rights Commission, the National Dalit Commission and the National Women Commission to implement the recommendations of the universal periodic review.

71. In Ukraine, UNDP supported the expansion of the Office of the Ombudsman to cover 24 regions of Ukraine.

72. In December 2016, in Istanbul, Turkey, UNDP, in partnership with the Global Alliance and regional networks of national human rights institutions, hosted a consultation for Europe, the Commonwealth of Independent States and the Arab States on the role of national human rights institutions in the promotion and implementation of the 2030 Agenda for Sustainable Development.

IV. Cooperation between United Nations human rights mechanisms and national human rights institutions

73. In the period under review, national human rights institutions and their global and regional networks made important contributions to the international human rights system based on their experiences and good practices at the domestic level, especially with respect to the most marginalized and disempowered groups.

74. At the same time, many national human rights institutions helped to ensure that strategies and policies recommended by United Nations human rights mechanisms were implemented domestically. As independent bodies with the mandate to advise the authorities, they linked recommendations from the international human rights system to policymakers, especially governments and parliaments. In addition, many national human rights institutions also served as a bridge between the State and civil society, promoting the participation of all in the shaping of policies and implementation of recommendations from the international human rights system.

A. Human Rights Council

75. OHCHR, in coordination with the Global Alliance, continued to support the engagement of national human rights institutions with the Human Rights Council and its mechanisms.

76. In line with the rules of procedure of the Human Rights Council, which enable the participation of national human rights institutions compliant with the Paris Principles, national human rights institutions delivered statements, submitted written documentation, participated in general debates, organized parallel events and interacted with the special procedures mandate holders under specific agenda items.

77. During the period under review, 19 written statements were submitted and 42 oral statements (including 11 video-recorded statements) were delivered by national human rights institutions and the Global Alliance (see annex I).

Universal periodic review

78. During the second cycle of the universal periodic review, the establishment and strengthening of national human rights institutions in accordance with the Paris Principles were among the most frequently made recommendations to Member States.

79. During the twenty-sixth meeting of the Working Group on the Universal Periodic Review, in November 2016, five "A" status national human rights institutions submitted information for the report summarizing information from stakeholders, and nine such institutions submitted information for the summary report of information from stakeholders during the twenty-seventh meeting of the Working Group, in May 2017 (see annex II). One "B" status national human rights institution submitted input for the report containing information from stakeholders.

80. The majority of the 14 States reviewed at these meetings received recommendations to establish or strengthen the capacity of national human rights institutions to be fully compliant with the Paris Principles.

B. United Nations treaty bodies

81. OHCHR continued to support the participation of national human rights institutions in sessions of the United Nations treaty bodies. The secretariats of the treaty bodies, OHCHR and the Geneva representative of the Global Alliance liaised with national human rights institutions prior to each session to encourage them to provide written or oral information and/or to attend the sessions. The OHCHR National Institutions, Regional Mechanisms and Civil Society Section also prepared briefing notes on national human rights institutions for the attention of treaty bodies and disseminated relevant recommendations and concluding observations to the concerned institutions.

82. During the reporting period, the treaty bodies reviewed 157 States parties, out of which 124 had national human rights institutions. Of those institutions, 117 interacted with treaty bodies by submitting reports, providing briefings before the review or attending the sessions (see annex III).

83. Treaty bodies have provided national human rights institutions with information notes, advice and tools to facilitate their effective engagement and have invited representatives of those institutions to their meetings.

84. In September 2016, the Committee on the Rights of Persons with Disabilities adopted guidelines on independent monitoring frameworks and their participation in the work of the Committee (CRPD/C/1/Rev.1, annex). The guidelines encouraged States parties to appoint national human rights institutions as monitoring frameworks and to equip them with additional and adequate budgetary and human resources to appropriately discharge their mandate.

85. In March 2017, OHCHR, in collaboration with the Global Alliance and the Geneva Academy of International Humanitarian Law and Human Rights, organized a consultation between representatives of the treaty bodies and national human rights institutions to consider a common treaty body approach to engagement with national human rights institutions. The key issues discussed during the consultation and the possible areas for further strengthening of the engagement between the treaty bodies and national human rights institutions were reviewed by the Chairs of the human rights treaty bodies at their 29th meeting, in June 2017.

C. Other United Nations mechanisms and processes

86. In December 2016, the Open-Ended Working Group on Ageing invited national human rights institutions compliant with the Paris Principles (i.e. those with "A" status) to participate in its work, in accordance with the rules of procedure of the General Assembly. In July 2017, OHCHR facilitated the participation of eight "A" status national human rights institutions, the Global Alliance, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions in the eighth session of the Open-Ended Working Group.

87. In March 2017, the Commission on the Status of Women encouraged the Secretariat to continue its consideration of how to enhance the participation of national human rights institution fully compliant with the Paris Principles, where they exist, in accordance with the rules of procedure of the Economic and Social Council.

88. In July 2017, the Global Alliance was invited to speak at a panel during the high-level political forum on sustainable development and hosted, jointly with OHCHR and UNDP, a side event on international human rights mechanisms and the role of national human rights institutions in supporting the implementation of the 2030 Agenda.

89. In June 2017, national human rights institutions were accredited to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities. The Global Alliance made a statement at the Conference.

90. Accredited national human rights institutions with an "A" status were invited to participate in and contribute at all stages of the development of the global compact on migration, including at intergovernmental negotiations leading to the 2018 international conference.

V. Recommendations

A. Recommendations to Member States

91. **Member States are encouraged to establish national human rights institutions compliant with the Paris Principles and to strengthen the structures and independence of existing institutions to enable the effective fulfilment of their mandate, taking into account the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and the advice of OHCHR.**

92. **Member States should ensure that national human rights institutions are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and are granted adequate powers of investigation into allegations of human rights violations, including the competency to visit places of deprivation of liberty.**

93. **Member States should ensure that national human rights institutions are provided with adequate human and financial resources and the autonomy necessary to freely propose and manage their own budgets and recruit their own staff members.**

94. **Member States should ensure the formalization of a clear, transparent and participatory selection and appointment process for members and staff of national human rights institutions.**

95. **Members and staff of national human rights institutions should enjoy immunity while discharging their functions in good faith. Member States are encouraged to take the measures necessary to protect them against threats and harassment. Any cases of alleged reprisal or intimidation against members and staff of institutions, or against individuals who cooperate or seek to cooperate with them, should be promptly and thoroughly investigated and perpetrators should be brought to justice.**

96. **Member States should continue to provide financial contributions to OHCHR for the latter to sustain high-quality support for the establishment and strengthening of national human rights institutions and to provide secretariat support to the Global Alliance and its Subcommittee on Accreditation.**

B. Recommendations to national human rights institutions

97. **National human rights institutions should seek regular and constructive cooperation with relevant State bodies to promote the inclusion of human rights issues in legislation, policies and programmes.**

98. **National human rights institutions should develop, formalize and maintain cooperation with civil society organizations and should strengthen their capacity to participate meaningfully in the promotion and protection of human rights.**

99. **National human rights institutions are encouraged to participate in and contribute to deliberations in relevant United Nations mechanisms and processes, in accordance with their respective mandates, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development.**

100. **National human rights institutions should take part in preventing and addressing cases of reprisals, and are encouraged to develop protective measures and mechanisms for human rights defenders and to disseminate information thereon.**

101. **National human rights institutions should continue to engage with international and regional human rights mechanisms and to promote the implementation of their recommendations.**

102. **National human rights institutions are encouraged to continue to advocate for their independent participation in relevant United Nations mechanisms and processes, including the 2030 Agenda.**

Annex I

Submissions from national human rights institutions to the Human Rights Council (submitted between September 2016 and June 2017)

Country institution	*Segment*	*Date*
Global Alliance of National Human Rights Institutions	Agenda item 3 Independent Expert on sexual orientation and gender identity	June 2017
National Institute for Human Rights of Chile	Agenda item 3 Special Rapporteur on the right to education	June 2017
Human Rights Commissioner (Ombudsman) of Azerbaijan	Agenda item 3 Special Rapporteur on the right to education	June 2017
National Human Rights Commission of Nigeria	Agenda item 3 Special Rapporteur on the human rights of internally displaced persons	June 2017
Global Alliance of National Human Rights Institutions	Agenda item 3 Special Rapporteur on the human rights of internally displaced persons	June 2017
National Commission on Human Rights of Mauritania	Agenda item 3 Special Rapporteur on extreme poverty and human rights	June 2017
Equality and Human Rights Commission of Great Britain (also on behalf of the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission)	Agenda item 3 Panel discussion on unaccompanied migrant children and adolescents and human rights	June 2017
Equality and Human Rights Commission of Great Britain (also on behalf of the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission)	Agenda item 5 General debate	June 2017
Equality and Human Rights Commission of Great Britain	Agenda item 2 Panel discussion on unaccompanied migrant children and adolescents and human rights Video statement	June 2017
Independent Commission for Human Rights of the State of Palestine	Agenda item 3 Special Rapporteur on violence against women, its causes and consequences Video statement	June 2017

Country institution	*Segment*	*Date*
Independent National Commission on Human Rights of Burundi	Agenda item 4 Interactive dialogue with the Commission of Inquiry on Burundi	June 2017
National Human Rights Commission of Mexico	Agenda item 5 Report of the Forum on Business and Human Rights Video statement	June 2017
National Human Rights Commission of Mexico	Agenda item 3 Working Group on the issue of human rights and transnational corporations and other business enterprises	June 2017
National Commission for Human Rights of Greece	Agenda item 3 Special Rapporteur on the human rights of migrants	June 2017
Global Alliance of National Human Rights Institutions	Agenda item 6 General debate	June 2017
National Institute for Human Rights of Chile	Agenda item 8 General debate	June 2017
Network of African National Human Rights Institutions	Agenda item 10 Individual Expert on the situation of human rights in Côte d'Ivoire	June 2017
Global Alliance of National Human Rights Institutions	Agenda item 10 Annual thematic discussion on technical cooperation	June 2017
Global Alliance of National Human Rights Institutions	High-level panel on human rights mainstreaming	March 2017
Global Alliance of National Human Rights Institutions	General segment	March 2017
Global Alliance of National Human Rights Institutions	Agenda item 2 Annual report of the United Nations High Commissioner for Human Rights	March 2017
Global Alliance of National Human Rights Institutions	Agenda item 3 Special Rapporteur on the situation of human rights defenders	March 2017
Commission on Human Rights of the Philippines	Agenda item 3 Biennial high-level panel discussion on the question of the death penalty	March 2017
Commission on Human Rights of the Philippines	Annual full-day meeting on the rights of the child	March 2017
Commissioner for Human Rights in the Russian Federation	Agenda item 3 Annual full-day meeting on the rights of the child	March 2017

Country institution	Segment	Date
Scottish Human Rights Commission	Agenda item 3 Annual full-day meeting on the rights of the child	March 2017
Scottish Human Rights Commission	Special Rapporteur on the right to food	March 2017
National Human Rights Council of Morocco	Agenda item 3 Annual full-day meeting on the rights of the child	March 2017
Commissioner for Fundamental Rights of Hungary	Agenda item 3 Special Rapporteur on the situation of human rights defenders	March 2017
Office of the Counsel for Human Rights of Guatemala	Agenda item 3 Special Rapporteur on the situation of human rights defenders	March 2017
Office of the Counsel for Human Rights of Guatemala	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	March 2017
Office of the Counsel for Human Rights of Guatemala	Special Rapporteur in the field of cultural rights	March 2017
Office of the Counsel for Human Rights of Guatemala	Special Rapporteur on the rights of persons with disabilities	March 2017
Office of the Counsel for Human Rights of Guatemala	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	March 2017
Office of the Counsel for Human Rights of Guatemala	Special Rapporteur on the right to food	March 2017
Northern Ireland Human Rights Commission	Agenda item 3 Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	March 2017
Human Rights Commissioner (Ombudsman) of Azerbaijan	Agenda item 3 Special Rapporteur in the field of cultural rights	March 2017
Human Rights Commissioner (Ombudsman) of Azerbaijan	Special Representative of the Secretary-General for Children and Armed Conflict	March 2017
Danish Institute for Human Rights	Agenda item 3 Special Rapporteur on freedom of religion or belief	March 2017
Office of the Public Defender (Ombudsman) of Georgia	Agenda item 3 Special Rapporteur on the sale of children, child prostitution and child pornography	March 2017

Country institution	Segment	Date
Independent National Commission on Human Rights of Burundi	Agenda item 4 Commission of Inquiry on Burundi	March 2017
Independent Commission for Human Rights of the State of Palestine	Agenda item 7 Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	March 2017
Office of the Ombudsman of Colombia	Agenda item 2 Annual report of the United Nations High Commissioner for Human Rights	March 2017
Australian Human Rights Commission	Agenda item 3 Annual debate on the rights of persons with disabilities Video statement	March 2017
Equality and Human Rights Commission of Great Britain	Agenda item 3 Annual debate on the rights of persons with disabilities Video statement	March 2017
Afghanistan Independent Human Rights Commission	Agenda item 10 Report of the United Nations High Commissioner for Human Rights Video statement	March 2017
Commissioner for Human Rights of the Ukrainian Parliament	Agenda item 10 Interactive dialogue on Ukraine	March 2017
Human Rights Commissioner (Ombudsman) of Azerbaijan	Agenda item 3 High-level panel discussion on the fifth anniversary of the United Nations Declaration on Human Rights Education and Training	September 2016
Human Rights Commissioner (Ombudsman) of Azerbaijan	Report of the Working Group on the Right to Development	September 2016
National Human Rights Commission of the Republic of Korea on behalf of the Global Alliance of National Human Rights Institutions	Agenda item 3 Independent Expert on the enjoyment of all human rights by older persons Video statement	September 2016
Office of the Ombudsman of Costa Rica	Agenda item 3 Independent Expert on the enjoyment of all human rights by older persons	September 2016
National Human Rights Commission of the Republic of Korea	Agenda item 3 Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	September 2016

Country institution	Assignment	Date
Global Alliance of National Human Rights Institutions	Agenda item 3 High-level panel discussion on the fifth anniversary of the United Nations Declaration on Human Rights Education and Training	September 2016
Global Alliance of National Human Rights Institutions	Agenda item 8 General debate Video statement	September 2016
Danish Institute for Human Rights	Agenda item 3 High-level panel discussion on the fifth anniversary of the United Nations Declaration on Human Rights Education and Training	September 2016
Australian Human Rights Commission	Agenda item 3 Annual half-day discussion on the human rights of indigenous peoples Video statement	September 2016
Australian Human Rights Commission	Panel discussion on youth and human rights Video statement	September 2016
Human Rights Commission of New Zealand on behalf of the Global Alliance of National Human Rights Institutions	Agenda items 3 and 5 Special Rapporteur on the rights of indigenous peoples and Expert Mechanism on the Rights of Indigenous Peoples Video statement	September 2016
Commissioner for Human Rights in the Russian Federation	Agenda item 3 Panel discussion on youth and human rights	September 2016
Commissioner for Human Rights in the Russian Federation	Agenda item 5 General debate	September 2016
Independent National Commission on Human Rights of Burundi	Agenda item 10 Enhanced interactive dialogue on Burundi	September 2016

Annex II

Engagement of national human rights institutions in the second and third cycles of the Universal Periodic Review (2016-2017)

Twenty-seventh session of the Working Group on the Universal Periodic Review (2017)

State under review	Written contributions for report[a]	*Oral statement to Human Rights Council during the adoption of the outcome of the universal periodic review of the country concerned ("A" status national human rights institutions only)*[b]
Bahrain	Yes (B status)	..
Ecuador	Yes (A status)	..
Finland	Yes (A status)	..
India	Yes (A status)	..
Indonesia	Yes (A status)	..
Morocco	Yes (A status)	..
Netherlands	Yes (A status)	..
Philippines	Yes (A status)	..
South Africa	Yes (A status)	..
United Kingdom of Great Britain and Northern Ireland	Yes (A status)	..

Twenty-sixth session of the Working Group on the Universal Periodic Review (2016)

State under review	Written contributions for report[a]	*Oral statement to Human Rights Council during the adoption of the outcome of the universal periodic review of the country concerned ("A" status national human rights institutions only)*
Haiti	Yes (A status)	No statement made
Timor-Leste	Yes (A status)	Agenda item 6 (thirty-fourth session of the Human Rights Council) Universal periodic review of Timor-Leste
Togo	Yes (A status)	Agenda item 6 (thirty-fourth session of the Human Rights Council) Universal periodic review of Togo
Uganda	Yes (A status)	Agenda item 6 (thirty-fourth session of the Human Rights Council) Universal periodic review of Uganda
Venezuela (Bolivarian Republic of)	Yes (A status)[c]	No statement made
Zimbabwe		Agenda item 6 (thirty-fourth session of the Human Rights Council) Universal periodic review of Zimbabwe

[a] "Yes" appears only where institutions made written contributions.

[b] To be considered at the meeting of the Human Rights Council in September 2017.

[c] Subsequently changed to B status.

Annex III

Engagement of national human rights institutions in the work of the treaty bodies (September 2016-August 2017)

Committee	*Number of States parties reviewed*	*Number of States parties with a national human rights institution*	*Submission of information*	*Briefing*
Committee against Torture	18	16	9	9
Committee on the Elimination of Racial Discrimination	20	12	6	4
Committee on Economic, Social and Cultural Rights	18	14	10	6
Human Rights Committee	19	19	12	–
Committee on the Elimination of Discrimination against Women	27	21	15	8
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	7	5	3	2
Committee on the Rights of the Child	21	10	7	9
Committee on the Rights of Persons with Disabilities	22	21	9	6
Committee on Enforced Disappearances	5	6	2	–
Total	**157**	**124**	**73**	**44**

United Nations A/72/278

General Assembly

Distr.: General
3 August 2017

Original: English

Seventy-second session
Item 73 (a) of the provisional agenda*
Promotion and protection of human rights: implementation of human rights instruments

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 70/146. It describes the outcome of the forty-fifth session of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in particular the expert workshop on victims of torture in the context of migration.

* A/72/150.

17-13297 (E) 170817

Please recycle

I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the outcome of the forty-fifth session of the Board of Trustees of the Fund, held in Geneva from 24 to 28 April 2017. The present report complements the report on the activities of the Fund submitted to the Human Rights Council at its thirty-fourth session (A/HRC/34/17), in March 2017.

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with its mandate and the practice established by its Board of Trustees, the Fund provides grants to established channels of assistance, including non-governmental organizations, associations of victims and members of their families, private and public hospitals, legal clinics, public interest law firms and individual lawyers, that submit project proposals involving medical, psychological, social, financial, legal, humanitarian and other forms of direct assistance to victims of torture and members of their families.

C. Administration of the Fund and the Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights (OHCHR) with the advice of the Board of Trustees, which is composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. The Board is currently composed of Maria Cristina Nunes de Mendonça (Portugal), Anastasia Pinto (India), Mikołaj Pietrzak (Poland) and Gaby Oré Aguilar (Peru). In February 2017, Morad el-Shazly resigned due to other professional commitments. The mandates of Ms. Pinto and Ms. de Mendonça will end in October 2017, upon conclusion of their second terms.

II. Forty-fifth session of the Board of Trustees

4. The forty-fifth session of the Board, held in Geneva from 24 to 28 April 2017, was chaired by Ms. Aguilar. At the session, the discussions focused on the decreasing income of the Fund in 2016 and the criteria for the distribution of available resources through a comparative review of project proposals, as well as a thematic knowledge-sharing exercise in the field of redress and rehabilitation of victims of torture in the context of migration.

A. Management of the Fund's project portfolio

5. The Board took stock of the implementation of the revised policy for the management of the Fund's project portfolio (see A/69/296, paras. 11-15) over the last three years and considered its continuous implementation in 2018 in the light of the reduced income secured since 2016. The data showed that the introduction in 2014 of "competitiveness" into the yearly review of project proposals based on both

merit and needs criteria resulted in: (a) enhanced quality; (b) more equitable geographic distribution of resources; (c) a larger capacity-building component; and (d) an enhanced response by the Fund to new and emergency situations. The introduction of a life-cycle approach to the management of projects, including clearer entry and exit policies of project grants, has also assisted the Fund in better aligning its portfolio with the geographic and thematic priorities of the United Nations. The Board expressed its satisfaction with the implementation of the 2014 policy thus far and recommended that those objectives continue to guide the Fund's operations in 2018 and beyond.

6. Furthermore, the Board reaffirmed the view that the main bulk of the Fund's available resources should continue to be channelled through annual regular grants for the provision of direct assistance to victims of torture and their family members. The Board recommended that the number of projects to be awarded on a yearly basis be further brought down to a more sustainable and verifiable portfolio of 140 to 150 regular grants for direct assistance per year in 2018, down from 256 in 2014 and 166 in 2017, with due attention to geographic and thematic considerations and support for new and long-standing implementing partners.

7. In order to monitor the implementation of its policy, the Board recommended that the Secretariat continue to collect data and provide yearly analysis of the implementation of the Fund's policy.

8. Finally, the Board underlined the need for more visibility and fundraising efforts, as well as the need to better diversify the donor basis of the Fund. The Board also noted that, although the Fund has been directed to comply with the requests of donors to improve the accountability and management of the Fund, that has yet to translate into an increased level of funding.

B. Knowledge-sharing

Expert workshop on torture in the context of migration

9. On 26 and 27 April 2017, in Geneva, the Board of Trustees convened the third annual expert workshop on torture in the context of migration, with a focus on the current challenges in the early identification of victims of torture, redress and rehabilitation. The topic chosen for this year's discussions was particularly timely and necessary, given the harsh reality of torture in the context of migration. Millions of people are on the move, many of whom have suffered torture, whether in their countries of origin, during their journeys or even in host countries. The Fund's work has revealed that two thirds of the nearly 50,000 victims of torture assisted every year by organizations awarded grants by the Fund are migrants or refugees. That figure highlights the need for prompt and specialized responses to protect and promote their rights.

10. The workshop brought together 20 professionals from various backgrounds (including medical, psychological, social and legal) from rehabilitation centres financially supported by the Fund (see annex), along with all members of the Committee against Torture, the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons, Cecilia Jimenez-Damary, and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer.

11. The workshop was part of the annual series of expert discussions, initiated as a best practice in 2014 as part of the Fund's new mission statement, with the aim of collecting and disseminating expertise on redress and rehabilitation of victims of torture. The workshop enabled an informed discussion on the links between torture

and migration, with a focus on the rights and needs of victims of torture; it also facilitated the sharing of practices and lessons learned on techniques for the early identification, redress and rehabilitation of victims of torture in migration, as well as on successful approaches and developments in the delivery of assistance to victims of torture in migration.

12. The workshop was organized around three panel discussions and is summarized in a report available on the Fund's website (www.ohchr.org/torturefund).

13. The main recommendations and findings of the workshop were as follows:

Human rights context and framework

(a) More people are on the move today than ever before. These large movements are increasingly complex and perilous, with migrants increasingly subjected to human rights violations along the way. An alarmingly high proportion of migrants and refugees have been subjected to torture in their countries of origin, along the migration route and/or in host countries. The gravity of the practice of torture in migration must be acknowledged and tailored responses urgently designed and implemented;

(b) The response to torture victims in the process of migration must be guided by international human rights law and international refugee law, including the absolute prohibition of torture, the right to non-refoulement and the right to redress and rehabilitation. Victims of torture are entitled to their rights as human beings and torture victims first, independently of their legal status, and they require special protection and specialized assistance, which can and should take place at any point along the migration route;

(c) There is, however, a critical protection gap regarding migrants and refugees who, while having suffered torture, may nevertheless not qualify for international protection. For example, those who migrate because of extreme poverty, lack of access to education, health, decent work or food and water, or as a result of separation from family, gender inequality, natural disasters, climate change or environmental degradation, may not fit into any established category, but may have still suffered torture or be vulnerable to torture, and therefore require protection. The international legal framework provides protection to all persons, including migrants and refugees, regardless of the reason for their mobility or legal status. There is a need to understand the application of the international framework to refugees and migrants in situations of vulnerability and to provide guidance to States and other stakeholders on how to operationalize that framework;

(d) While national normative contexts vary widely, ranging from an absence of legal recognition of migrants and refugees to comprehensive legislative frameworks, there is an increasing tendency for national migration policy to focus on deterrence rather than on human rights protection. The constant fear of deportation, the uncertainty of prolonged asylum determination processes and the administrative detention of migrants, among other policies, are particularly detrimental to torture survivors, often leading to retraumatization. Torture survivors are protected by the principle of non-refoulement and are entitled to an individual assessment, including abbreviated asylum determination processes and other special protection measures; they should never be detained on the basis of their migration status;

(e) The rising xenophobia and discrimination in many contexts is also contrary to human rights and may aggravate the symptoms of torture survivors. Racism, marginalization and mistrust of migrants and refugees must be countered by a narrative of solidarity and recognition of their rights and their positive contributions to society, thereby fostering a climate of acceptance, trust and respect. Awareness

should be raised about the ordeals that migrants and refugees have survived, including torture, in order to provide a positive message about their resilience.

Early identification and specialized response

(f) Torture victims in migration must be at the centre of any response aimed at gaining access to their rights to redress and rehabilitation. Services and support should seek to empower them to make their own decisions. They should lead processes regarding the definition and delivery of assistance and their voices must also be at the centre of advocacy efforts for redress;

(g) In order to access protection and assistance, migrants and refugees must first be identified as torture survivors. The earlier the identification takes place, the more adapted the response and the more likely retraumatization in transit settings may be avoided. However, where it is not possible to prevent further traumatization, it may at times be better not to intervene. Early identification should be linked to gaining access to protection measures, basic services and, where possible, rehabilitation. The numerous challenges of early identification, in particular in mass migration and transit settings, can be surmounted, including through self-identification and other tools;

(h) Migrants and refugees should be informed of the importance of sharing accounts of any torture that they have suffered and be provided a safe and humane environment in which to tell their stories without fear. Appropriate early identification tools and mechanisms for referral to specialized services must be put in place. Those tools can range from simple questionnaires for preliminary screening to the in-depth documentation of torture, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Migrants should always be provided with a copy of any written documentation about their case. Service providers, including non-specialists, should be trained to screen torture survivors in the migrant population, including by detecting early warning signs of trauma and providing information and a safe environment.

Addressing intersecting vulnerabilities

(i) The needs arising from the specific vulnerabilities of torture survivors in migration must shape the response. Surviving torture leaves a person vulnerable, and being forced to migrate, often under life-threatening circumstances, compounds that vulnerability. Survivors not officially recognized as refugees, such as internally displaced persons, stateless persons and migrants caught up in complex migrant flows, have an additional level of vulnerability;

(j) Migrant torture survivors with additional intersecting vulnerabilities face further challenges that require specialized responses. Those who are particularly vulnerable include unaccompanied minors, women and persons with disabilities. The early identification of such individuals through systematic monitoring is crucial, in particular with regard to "blind spots", such as migrant detention facilities, where States have full authority over migrants and refugees, in order to ensure that specialized and customized rehabilitation can be offered as soon as possible.

Redress and rehabilitation while on the move

(k) Torture victims in the context of migration have the right to remedy, including access to justice, restitution and compensation. That right tends to be overlooked for torture survivors in migration and, if addressed at all, it is usually only once the legal status of migrants or refugees has been resolved. Torture victims

must be given a central role in the justice process. Clear and binding procedures and standards that serve as firewalls separating the criminal justice system from immigration officials should be applied to ensure that migrants, regardless of their status, can access justice without fear of deportation and detention;

(l) The right of torture survivors to rehabilitation is all the more necessary and challenging in the migration context, in particular in transit settings. The symptoms of marginalization and isolation, common to torture victims, is compounded in migration owing to unknown, precarious and frequently hostile contexts. Some psychological symptoms of torture survivors can also hinder the social integration of migrants into their new environments. The vicious cycle can and must be broken through rehabilitation services;

(m) Rehabilitation of torture survivors in migration should have a holistic approach, targeting mental, physical and social aspects. Rehabilitation models, ranging from the western medical model of individualized attention to alternative community-based models, can often be complementary. Alternative models may at times be more adapted to the specificities of the migration context, including language and cultural barriers, in particular given that mental health issues often carry a stigma in various cultures;

(n) Rehabilitation models that are specifically tailored to migration settings often focus on functionality, helping survivors to go about their daily lives in a foreign context. Improving functionality also requires the provision of basic services, such as food, housing, health and legal assistance, in ways that are participatory and respect dignity and autonomy. In addition to facilitating integration and gaining a sense of belonging, community-based responses and access to peer support can help migrant torture survivors to learn about the services available and reduce the stigma of seeking assistance. Where individualized attention is desirable and possible, secure spaces in which victims can speak with professionals on a confidential basis, even when on the move, are required;

(o) The rehabilitation strategy required at each stage of the migration journey may vary. The transit setting is particularly challenging owing to the ongoing risk of torture and re-traumatization. Migrants and refugees may build psychological shields to protect themselves, shields that should not be broken prematurely outside a safe environment. In contexts where the torture victim cannot yet achieve stabilization, such as being in-transit or experiencing protracted insecurity of legal status, short-term solutions could focus on immediate material support, building resilience, coping strategies and maintaining stability. Longer-term solutions include more in-depth rehabilitation services and community-based responses.

Further understanding

(p) More research into and analysis of victims of torture within the flow of migrants and refugees is required. There is also a need for further exchange among States, international organizations and frontline professionals and advocates. First-hand experience, combined with greater data, should inform the effective provision of redress and rehabilitation for torture survivors in migration, raise awareness and inform legislative and public policy changes.

C. Increased outreach

14. On 28 April 2017, following the two-day expert workshop, the Board of Trustees convened a panel discussion entitled "A victim's journey: redress and rehabilitation for torture victims in migration". The discussion was open to all

Geneva-based Member State delegations, intergovernmental organizations, civil society and the media.

15. The panel participants included the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, and six practitioners from grantee organizations of the Fund. The event was attended by representatives of 28 permanent missions, as well as the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, civil society actors and the media, including United Nations Television and United Nations Radio. The event received additional media attention, including on social media. Three videos were produced by the Fund featuring the issue of torture in the context of migration and posted, inter alia, to social media.

16. The event enabled professionals from organizations supported by the Fund, including medical doctors, psychologists, jurists and social workers, to exchange experiences on ways to better support the identification, redress, rehabilitation and empowerment of victims of torture in migration. Participants also included a survivor of torture who has created a survivor-led activist network.

III. Coordination with other torture-related United Nations human rights mechanisms

17. In the reporting period, the Board continued to pursue cooperation with the other United Nations torture-related mechanisms and to invite them to participate in the annual expert workshop and the related public event. The following experts were invited to participate: the members of the Committee against Torture; the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, José Brillantes; the Chair of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Malcolm Evans; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the human rights of migrants, François Crépeau.

18. In addition, on 28 April 2017, the Board met with the Special Rapporteur on torture to exchange ideas on issues of common interest. The meeting was another step towards consolidating a cohesive United Nations anti-torture front in the face of persistent torture and ill-treatment. The action-oriented discussion yielded an agreement to explore ways of including the Fund in the interactive dialogue of the anti-torture mechanisms at the General Assembly.

IV. United Nations International Day in Support of Victims of Torture

19. On 26 June 2016, the International Day in Support of Victims of Torture was commemorated by a panel discussion organized by the International Bar Association and OHCHR at King's College, London.

20. The panel participants included the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, the former Special Rapporteur on torture, Juan Mendez, barrister and member of the House of Lords, Helena Kennedy, the Executive Director of the International Bar Association, Mark Ellis, and a human rights lawyer from Zimbabwe, Beatrice Mtetwa. Some 200 participants attended the public event, which was broadcast live globally through a webcast.

21. During the discussion, the High Commissioner emphasized that torture has a cost that is not only felt at the individual level, but also pervades entire families and communities. Its long-lasting impact can be transmitted across generations and it can deeply corrupt society as a whole by spreading fear and intimidation.

22. Furthermore, the High Commissioner noted that, despite its absolute prohibition under international law, torture persists across every region and in many countries. Providing urgent and comprehensive assistance to torture victims is not charity, it is a legal obligation of States, as stipulated in article 14 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The provision of reparation to victims has an inherent preventive and deterrent effect in relation to future violations. Member States should provide full support for all United Nations anti-torture mechanisms, including providing access to their detention centres, fulfilling their reporting obligations and ensuring full funding to unique grant-making instruments that have a victim-centred approach, such as the Fund.

23. In addition, to mark the International Day, a joint statement was issued by the Committee against Torture, the Subcommittee on Prevention of Torture, the Special Rapporteur on torture and the Board of Trustees of the Fund. In the statement, they emphasized that the right to be free from torture cannot be violated by States under any circumstances and noted that the violation of that right destroys the fundamental human dignity not only of the victims but also that of the perpetrators. Furthermore, they noted that it is equally important that States observe their obligation to provide effective and prompt redress and rehabilitation to victims of torture and their families by providing the resources urgently needed to respond to the plight of the thousands of torture victims around the world.

24. Finally, they reaffirmed that the obligation to end torture requires a renewed commitment from every Member State to eradicate the conditions and circumstances conducive to its practice. All countries should incorporate legal safeguards into national laws to prevent such conditions from arising and to put the rights of the victims to redress and rehabilitation at the centre of their efforts in this regard.

V. Financial situation of the Fund

25. In 2016, the Fund received voluntary contributions exceeding $7.5 million, which represents a worrying decrease in comparison with the previous few years (see table below). In 2015 and 2014, the voluntary contributions exceeded $9 million.

Contributions received from 1 January 2016 to 31 December 2016

Donor	*Amount (United States dollars)*	*Date of receipt*
States		
Algeria	5 000	22 November 2016
Andorra	11 099	29 July 2016
Argentina	15 000	1 March 2016
Austria	21 231	1 December 2016
Canada	44 148	17 February 2016
Chile	5 000	6 May 2016
Czechia	7 819	22 December 2016
Denmark	447 890	16 March 2016
France	22 676	31 May 2016

Donor	*Amount (United States dollars)*	*Date of receipt*
France	106 157	7 December 2016
Germany	445 931	7 June 2016
Germany	207 609	21 November 2016
Holy See	2 000	17 October 2016
India	25 000	15 January 2016
Ireland	39 459	19 April 2016
Kuwait	10 000	23 February 2016
Liechtenstein	25 075	8 March 2016
Luxembourg	16 760	23 August 2016
Mexico	10 000	2 December 2016
Morocco	2 000	27 December 2016
Norway	95 270	20 June 2016
Peru	1 470	3 August 2016
Saudi Arabia	75 000	3 June 2016
Switzerland	197 239	14 December 2016
United Arab Emirates	10 000	25 February 2016
United States of America	5 696 321	24 October 2016
Individual donors	**7 464**	
Total	**7 552 608**	

26. The Fund expects its income to reach the $9 million mark in 2017, which will still be far from the $14 million requested for assistance in 2018 and the $12 million target, which is the amount estimated by the Board as being the threshold for enabling the Fund to meet all demands, including those made in the context of emergency and humanitarian crises.

VI. How to make a contribution to the Fund

27. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. For more information on how to contribute and further details about the Fund, donors are requested to contact the secretariat of the United Nations Voluntary Fund for Victims of Torture, Office of the United Nations High Commissioner for Human Rights, United Nations, CH 1211 Geneva 10, Switzerland; email: unvfvt@ohchr.org; telephone: 41 22 917 9624; fax: 41 22 917 9017.

28. Donations can also be made online at http://donatenow.ohchr.org/torture. Information on the Fund can be found at www.ohchr.org/torturefund.

VII. Conclusions and recommendations

29. **The complexity of the contexts and crises in which torture takes place has grown in recent years. Alarmingly, two thirds of the torture victims receiving support from the Fund in 2017 have been migrants or refugees. The often precarious situation of torture survivors in migration is frequently exacerbated by other intersecting vulnerabilities. The need for redress and rehabilitation,**

which is more pressing and urgent than ever, should be tailored to the specific needs of victims of torture in migration.

30. In accordance with the international legal framework, States are obliged to ensure that the absolute prohibition of torture is fully enforced, including in the context of migration. It is equally important that they observe their obligation to provide effective and prompt redress and rehabilitation to victims of torture and their families by making available the resources urgently needed to respond to the plight of thousands of torture victims.

31. In the light of the expert discussions facilitated by the Fund at its forty-fifth session, the Secretary-General supports the recommendations of the Board and calls upon States and the international community to:

(a) Ensure that human rights are at the centre of national and international laws and policies addressing migration and that migration governance is consistent with the obligations of States under international human rights law, including the absolute prohibition of torture, the right to non-refoulement and the right to redress and rehabilitation;

(b) Protect vulnerable migrants and refugees who have suffered torture and may not qualify for international protection, building on the principles and practical guidance on the protection of the human rights of migrants and refugees in vulnerable situations developed by the Global Migration Group;

(c) Highlight the need and importance of providing redress and rehabilitation to victims of torture in the context of migration;

(d) Support skills-building and training initiatives to enable practitioners to share their experiences and strengthen their capacity to provide assistance to victims of torture within migration flows;

(e) Implement awareness-raising campaigns about the realities facing torture victims in the context of migration, including through the media, in order to encourage public policy responses and solidarity towards these migrants;

(f) Involve existing capacity and resources at the national level, such as civil society organizations, physicians, lawyers and psychologists, who are often equipped to provide assistance that takes into account the vulnerability of victims, including with respect to gender, ethnicity, sexual orientation or health status.

32. The Fund is a lifeline of last resort when States neglect their obligation to prevent torture and fail to provide torture victims with effective and prompt redress, compensation and appropriate forms of rehabilitation.

33. The Board estimates that the Fund would need to receive $12 million on a yearly basis in order to respond adequately to the ever increasing demands for assistance, in particular in the face of today's large-scale human rights crises and conflicts.

34. The Secretary-General urges Member States and other stakeholders to contribute to the United Nations Voluntary Fund for Victims of Torture and stresses that contributing to the Fund is a concrete manifestation of the commitment of States towards the elimination of torture, in line with the Convention against Torture, in particular article 14 thereof. The Fund would require $12 million on a yearly basis in order to respond adequately to the high demand for assistance.

Annex

List of participants in the two-day expert workshop on torture victims in the context of migration, held on 26 and 27 April 2017

Board of Trustees

Gaby Oré Aguilar (Chair)
Mikołaj Pietrzak
Maria Cristina Nunes de Mendonça
Anastasia Pinto

Invited experts

Eva Abu Halaweh, Mizan Law Group for Human Rights (Jordan)

Alberto Barbieri, Doctors for Human Rights (Italy)

Ana Elena Barrios, Fray Matías de Córdova Human Rights Centre (Mexico)

Eva Barnewitz, vivo international (Germany)

Anette Carnemalm, Swedish Red Cross (Sweden)

Bernice Carrick, The Humanitarian Group (Australia)

Chris Eades, human rights lawyer

Mark Fish, Room to Heal (United Kingdom of Great Britain and Northern Ireland)

Christy Fujio, Heartland Alliance International (United States of America)

Kolbassia Haoussou, Survivors Speak Out Freedom from Torture (United Kingdom)

Suzanne Jabbour, Restart Centre for Rehabilitation of Victims of Violence and Torture (Lebanon)

Lucy Kiama, HIAS Kenya (Kenya)

Veronica Laveta, Centre for Victims of Torture (United States)

Yusrah Nagujja Kuteesa, Refugee Law Project (Uganda)

Jürgen Schurr, REDRESS (United Kingdom)

Bojana Trivuncic, International Aid Network (Serbia)

Xavier Vincent Pereira, Health Equity Initiatives (Malaysia)

Rosa Vieira, Institute of Religious Studies (Brazil)

Hamsa Vijayaraghavan, The Asa Trust (India)

Daniel Witko, Helsinki Foundation for Human Rights (Poland)

Other participants

Cecilia Jimenez-Damary, Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons

Nils Melzer, Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment

Jens Modvig, Chair, Committee against Torture

Members of the Committee against Torture

Inmaculada Arnaez, European Border and Coast Guard Agency (Frontex)

Asger Kjærum, International Rehabilitation Council for Torture Victims

Gianfranco De Maio and Gail Womersley, Doctors without Borders

Gerald Staberock, World Organization against Torture

Kristina Touzenis, International Organization for Migration

Pieter Ventevogel and Sarah Elliott, Office of the United Nations High Commissioner for Refugees

United Nations A/72/279

General Assembly

Distr.: General
3 August 2017

Original: English

Seventy-second session
Item 73 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/202 on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of human rights issues in the country from September 2016 to August 2017 and of the Government's engagement with the United Nations in that regard. Obtaining up-to-date and comprehensive information about human rights developments in the Democratic People's Republic of Korea remains a challenge owing to the lack of access to the country. However, the information that has been gathered reveals a continuing pattern of serious human rights violations, including with respect to the humanitarian situation. The report provides recommendations to the Government of the Democratic People's Republic of Korea and the international community to address these endemic issues and to improve the situation of human rights in the country.

* A/72/150.

17-13307 (E) 210817

Please recycle

I. Introduction

1. The present report draws upon findings of the field-based structure of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Seoul and information from the United Nations special procedures of the Human Rights Council and various United Nations entities. Reference is also made to information from official State media in the Democratic People's Republic of Korea and international non-governmental organizations.

2. The report provides an update on human rights issues in the Democratic People's Republic of Korea since the report of the Secretary-General to the General Assembly at its seventy-first session (A/71/439). It focuses on the rights to life, liberty and security of the person, and to a fair trial; the right to freedom of movement; the right to freedom of expression and access to information; the issue of international abductions and separated families; the rights to food and health; and the rights of children, persons with disabilities and women. It remained difficult to obtain comprehensive and up-to-date information on these issues owing to the continued lack of access to the country and severe restrictions on seeking and receiving independent information. Nevertheless, while it has not been possible to verify information on individual cases, the information gathered points to persisting patterns of serious human rights violations. The report also provides an overview of the activities of the United Nations in relation to the human rights situation in the country and the Government's engagement with the United Nations in that regard.

3. The report contains recommendations addressed to the Government of the Democratic People's Republic of Korea and the international community and aimed at improving the human rights situation. It reiterates the Secretary-General's call for the Government's constructive engagement in that regard.

II. Overview of the situation of human rights in the Democratic People's Republic of Korea

A. Right to life, liberty and security of the person, and right to a fair trial

4. Continued reports of serious and widespread violations of the right to life, liberty and security of the person, and the right to a fair trial remain of concern.

5. Under article 166 of the Criminal Procedure Code of the Democratic People's Republic of Korea of 2012, torture is prohibited. However, information gathered by OHCHR during the period under review indicated that torture and ill-treatment were routine in detention facilities, including in pretrial detention facilities (kuryujang) and holding centres (jipkyulso). Detainees were reportedly subject to practices that clearly contravene international human rights standards, including being beaten and forced to kneel and remain still for an extended period. There were also consistent reports that conditions in detention fell short of international standards, with inadequate access to food, water and sanitation, and lack of access to family members. There were reports of deaths in custody, including as a result of beatings, untreated illnesses and malnutrition.

6. Detention facilities do not cater to the needs of female detainees, who are reportedly interrogated and supervised almost exclusively by male officers. OHCHR was informed by several victims and witnesses of sexual abuse by guards in pretrial detention facilities, as well as harassment and lack of privacy when using toilets and showers. In ordinary prison camps and labour training camps (rodongdanryondae),

witnesses stated that some female detainees engaged in transactional sex with supervisors to get better food rations or to be assigned to less demanding jobs. Women in pretrial detention facilities were reportedly not provided with sanitary pads. Many women detained for longer periods in ordinary prisons (kyohwaso) and political prison camps (kwanliso), reportedly stopped having their periods owing to malnutrition.

7. According to witnesses, a domestic provision establishing the suspension of implementation of the sentence for pregnant women from three months before child birth to seven months after delivery appeared to be widely known and complied with. However, there were also reports of pregnant women being beaten during pretrial detention.[1]

8. The right to a fair and independent trial was not guaranteed. Suspects were rarely allowed to present evidence contesting charges against them in a meaningful manner and in most cases did not have access to lawyers. The local branch of the Workers Party of Korea reportedly had significant influence in making a decision about a person's guilt or innocence and on the type of punishment imposed, with the role of independent judicial actors being limited.

9. Extreme concern remains about the continued existence of large political prison camps, where conditions were reported to be extremely poor, with insufficient food and detainees being subjected to hard labour and substandard conditions. Lack of access to the camps by independent human rights monitors, combined with the Government's continued denial of their existence, meant that it was not possible to assess whether any change had occurred during the reporting period.

10. The Secretary-General is concerned about the consistent reports of torture and ill-treatment and poor conditions in detention in the Democratic People's Republic of Korea. He is also gravely concerned about the existence of large-scale political prison camps and urges the authorities to cooperate with the United Nations to address these issues with a view to ensuring compliance with international human rights standards.

11. International media reports of purges of members of the political elite during the reporting period could not be confirmed. In mid-January 2017, the Minister of State Security was reportedly dismissed and allegedly underwent re-education before reappearing in a different function in April 2017. Media in the Republic of Korea reported on the execution of five officials of the Ministry of State Security around the time of the dismissal of the Minister of State Security.

12. On 13 February 2017, Kim Jong-nam, the older half-brother of Kim Jong-un, was killed in Malaysia. A Malaysian police investigation found that he had been poisoned by the chemical agent VX. The Democratic People's Republic of Korea denied involvement in the killing. An Indonesian woman and a Vietnamese woman have been charged with the murder by the Malaysian authorities and face a possible death sentence. Four nationals of the Democratic People's Republic of Korea suspected of involvement in the murder reportedly left Malaysia for the Democratic People's Republic of Korea immediately after the attack, and three others, including a diplomat, left Malaysia on 31 March (see para. 20).

13. On 12 June 2017, an American citizen, Otto Frederick Warmbier, 22 years of age, was released from detention by the Democratic People's Republic of Korea in a

[1] This provision reportedly applies to women who became pregnant in the Democratic People's Republic of Korea. For a discussion of the treatment of pregnant women who have been returned from China, see paragraph 48.

comatose state. He was medically evacuated to the United States of America, where he died on 19 June. The Government of the Democratic People's Republic of Korea stated that Mr. Warmbier had fallen into a coma after contracting botulism and being given a sleeping pill and denied ill-treatment towards him. Doctors in the United States stated that he had suffered severe brain damage and that they had not found traces of botulism. Mr. Warmbier, who had been sentenced to 15 years' imprisonment in March 2016 for reportedly removing a poster from the hotel where he had been staying, had reportedly been in a comatose state since April 2016. The Government of the Democratic People's Republic of Korea had not provided information about his condition to diplomatic representatives, who had been denied access to him. A Canadian citizen, Lim Hyeon Soo, sentenced to life imprisonment in 2015, was released on humanitarian grounds on 9 August 2017.

14. During the reporting period, two American citizens, Kim Sang-duk and Kim Hak-song, were arrested in the Democratic People's Republic of Korea. They were detained on 21 April and 7 May 2017, respectively, and accused of committing "hostile acts". Both men had been teaching at Pyongyang University of Science and Technology. Another American citizen, Kim Dong-chul, sentenced to 10 years' imprisonment in 2016, remained in prison. Two citizens of the Republic of Korea, Kim Kuk-gi and Choi Chun-gil, who had been sentenced to an indefinite period of labour in 2015, and another, Kim Jeong-wook, who had been sentenced to life imprisonment in 2014, also remained in prison.

15. The Secretary-General urges the Government of the Democratic People's Republic of Korea to guarantee that diplomatic representatives are provided regular access to their citizens held in the country. He strongly urges the Government to clarify the circumstances surrounding the death of Mr. Warmbier and the reasons for withholding information regarding his medical condition. He also urges the Government to review the cases of foreign citizens held in the country with a view to securing their release if they are found to have been imprisoned for the peaceful exercise of their rights, or on humanitarian grounds.

B. Right to freedom of movement

16. The Government of the Democratic People's Republic of Korea continued to impose strict restrictions on freedom of movement for both internal and external travel. Citizens are required to obtain permission to travel within the country. Some areas, including districts bordering Pyongyang and districts bordering China, are subject to stricter limitations on travel. Witnesses stated that residents of Pyongyang continued to fear deportation to remote areas where conditions are poor as a form of punishment for lack of loyalty to the Government.

17. In 2016, 1,418 citizens of the Democratic People's Republic of Korea, 79 per cent of whom were women, arrived in the Republic of Korea. There were consistent reports that the Government of the Democratic People's Republic of Korea increased its efforts to prevent people from leaving the country, including through the construction of physical barriers at the border and the regular rotation of border guards along the border with China. Most of those crossing the border relied on "brokers", many of whom engaged in trafficking. Women who crossed the border continued to be at risk of forced marriage, rape and other forms of sexual abuse. Individuals who had irregularly crossed the border were at risk of being forcibly returned. Given that crossing the border is considered a criminal offence, individuals who had been returned to the Democratic People's Republic of Korea reportedly faced human rights violations, including torture, sexual harassment and other forms of ill-treatment in detention (see para. 48).

18. The authorities of the Democratic People's Republic of Korea continued the practice of sending people to work overseas, mainly to China and the Russian Federation. Those individuals were reportedly forced to hand over their passports and faced restrictions on their freedom of movement and access to information while abroad. It was reported that their possessions would be frequently checked by managers from the Democratic People's Republic of Korea, and that they were required to participate in ideological training sessions. Living conditions were said to be poor and salaries low. Despite those conditions, the opportunity to work abroad was reportedly highly sought after owing to higher salaries than in the Democratic People's Republic of Korea and because it presented an opportunity to experience life outside the country.

19. Restrictions on freedom of movement within the country continued to be imposed on foreign nationals, including United Nations personnel, who were still required to obtain permission from the authorities for travel outside the capital. For humanitarian monitoring visits, obtaining permission would usually take one week and, when granted, there would be no flexibility to deviate from the planned itinerary. International staff members of the United Nations agencies were still required to be accompanied by a seconded local staff member. Access to some counties in the northern provinces of Jagang and Ryanggang remained limited.

20. In March 2017, the Government of the Democratic People's Republic of Korea temporarily banned the exit of Malaysian citizens following the killing in Malaysia of Kim Jong-nam. Malaysia responded with a travel ban on citizens of the Democratic People's Republic of Korea. Following clarification from the Government, United Nations personnel of Malaysian nationality were not prevented from leaving the country. On 30 March, the authorities of the Democratic People's Republic of Korea and Malaysia issued a joint statement clarifying that Malaysia had agreed to facilitate the transfer of the body of Kim Jong-nam to the Democratic People's Republic of Korea and to lift the travel bans it had imposed.

C. Rights to freedom of expression, access to information and freedom of association

21. Severe restrictions continued to be imposed on the rights to freedom of expression, association and peaceful assembly. The system of surveillance extends from the national level to the neighbourhood level. Those who criticize the regime, or are perceived or suspected of doing so, risk severe punishment, including internment at a political prison camp or exile to remote areas of the country where conditions of life are difficult.

22. The Government continued to impose strict controls on access to information, including through the control of mass media and access to foreign media and other materials from abroad. Those who were found to be accessing materials that had not been sanctioned by the Government were at risk of arrest. In some areas, there were reports that a high proportion of the population of the Democratic People's Republic of Korea watch foreign films, and some people living in the border areas are able to access radio signals from neighbouring countries. Since 2015, the authorities have reportedly increased their efforts to prevent access to information not sanctioned by them. However, there were also reports that, in some areas, those who were caught accessing information deemed illegal were, in some cases, able to avoid prosecution by bribing officials.

23. Citizens of the Democratic People's Republic of Korea are required to belong to different associations throughout their lives, such as the Kimilsungist-Kimjongilist Youth League, the Democratic Women's Union, the General Federation

of Trade Unions and other associations. These organizations are closely linked to the Workers Party of Korea and do not serve as independent forums for the discussion or expression of alternative views. They are reportedly used for purposes of social control and mass mobilization.

24. International human rights instruments and other materials related to human rights were reportedly barely available in the country, but the Government accepted a recommendation made by the Human Rights Council as during the universal periodic review to disseminate international standards and to provide human rights education to public officials. In 2017, the visit of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities received wide national media coverage.

25. The Secretary-General urges the Democratic People's Republic of Korea to take steps to increase the right to access a wide range of information and to enable the free and peaceful expression of views and the formation of and participation in independent associations. He also encourages the Government, in line with its commitments under the universal periodic review, to facilitate the dissemination of human rights information and education, with the support of the United Nations.

D. International abductions and separated families

26. In the context of continuing tensions between the Republic of Korea and the Democratic People's Republic of Korea, no reunion of individuals who had been separated from their relatives on the other side of the border took place during the reporting period. The last such reunion took place in October 2015. Since the Korean War, 131,143 individuals in the Republic of Korea have registered for reunion with their relatives in the Democratic People's Republic of Korea. As of December 2016, 62,631 of them were still alive and seeking reunion with their relatives. Since reunion events started in 2000, 2,325 families have been able to meet their missing relatives at least once. More than half of those registered have passed away, and 59.5 per cent of those on the list are above the age of 80.[2]

27. While many of those separated during the war were separated as a result of displacement, an undetermined number of individuals were abducted from the South to the North. Lists of missing persons compiled by the Republic of Korea and the national Red Cross Society of the Republic of Korea in the 1950s did not distinguish between cases of alleged abduction, displaced individuals and people who had voluntarily relocated to the Democratic People's Republic of Korea during the war. Owing to the difficulty of obtaining information given the passage of time and other factors, a definitive list of wartime abductees has not been developed. The Korean War Abductees' Family Union estimates that there were between 82,000 and 100,000 victims.

28. No progress was achieved in establishing the fate and whereabouts of 516 individuals from the Republic of Korea who the Government of the Republic of Korea alleges were abducted by the Democratic People's Republic of Korea after the Korean War.

29. The Working Group on Enforced or Involuntary Disappearances held its 111th session in the Republic of Korea from 6 to 10 February 2017. From May 2016 to May 2017, it transmitted 73 cases to the authorities of the Democratic People's Republic of Korea. The replies received from the Government of the Democratic People's Republic of Korea were considered insufficient to lead to the clarification

[2] See Korea Ministry of Unification, "White paper on Korean unification 2017", May 2017.

of the cases. The total number of outstanding cases that have been transmitted by the Working Group to the Government stands at 167.

30. Progress also remained stalled on resolving the investigation into the fate of Japanese nationals in the Democratic People's Republic of Korea, including abductees, as well as abductees from other countries. Twelve Japanese citizens abducted in the 1970s and 1980s are still missing. In March 2017, a representative of OHCHR met with the brothers of Megumi Yokota, who was abducted in 1977 at the age of 13 from Niigata prefecture, and with a relative of Anocha Panjoy, a Thai national who was reportedly abducted by the authorities of the Democratic People's Republic of Korea in Macau in 1978. The authorities stated that Ms. Yokota had passed away and denied abducting Ms. Panjoy and that she had ever been in the Democratic People's Republic of Korea.

31. The Secretary-General urges all stakeholders to take all steps necessary to resolve the issue of family separation, promote accountability for cases of enforced disappearance and ensure that mechanisms are in place for relatives in the two countries to remain in touch and reunite. The Secretary-General calls upon the Government of the Democratic People's Republic of Korea to clarify the fate of individuals abducted from Japan and other countries.

E. Right to food

32. The Democratic People's Republic of Korea continued to be affected by chronic food insecurity exacerbated by natural disasters. In 2016, the country's global hunger index was 28.6 was, which was classified as "serious", with 41 per cent of the population identified as undernourished.[3]

33. The most vulnerable groups, including children, pregnant and nursing women and older persons, remained the most affected by malnutrition. A World Food Programme (WFP) security and nutrition assessment of children in nurseries supported by WFP conducted in 2015, showed a 25.4 per cent prevalence of stunting to a moderate or high degree.[4] Nearly a third of children below the age of 5 suffered from stunting, while around 200,000 were reportedly moderately or severely malnourished.[5] In 2016, 80,000 children under the age of 5 were treated for malnutrition. This number represents a significant increase from 2014, when 26,407 children below the age of 5 were treated for malnutrition. The increase in the number of malnourished children treated does not necessarily reflect a deterioration in the nutrition situation of children under the age of 5, but rather an increase in access to screening and the updating of treatment services through support from the United Nations Children's Fund (UNICEF) to expand service delivery nationwide. UNICEF was working with the Central Bureau of Statistics of the Democratic People's Republic of Korea to undertake a multi-indicator cluster survey, which would provide a better understanding of the nutritional situation in the country.[6]

34. Although humanitarian assistance was not restricted under the sanctions imposed on the Democratic People's Republic of Korea, humanitarian agencies observed that the sanctions, combined with donor fatigue, reduced the resources

[3] Klaus von Grebmer and others, *2016 Global Hunger Index: Getting to Zero Hunger* (Bonn, Welthungerhilfe; Dublin, Concern Worldwide; Washington, D.C., International Food Policy Research Institute, 2016). Available from www.ifpri.org/topic/global-hunger-index.

[4] World Food Programme (WFP), "DPR Korea country brief", March 2017.

[5] United Nations Children's Fund (UNICEF), "Delivering for children in DPR Korea", 19 May 2017. Available from https://blogs.unicef.org/east-asia-pacific/delivering-for-children-in-dpr-korea/.

[6] The results of the survey will be published in 2018.

available for humanitarian aid.[7] WFP reported that, since February 2017, owing to a shortage of funding, it had reduced its rations for children and pregnant and lactating women to two thirds of the standard ration, which was the minimum required for a nutritional impact.[8]

35. In 2016, the Government suspended the joint crop and food security assessment missions of the Food and Agriculture Organization of the United Nations and WFP for a third consecutive year and decided to conduct its own assessment. In 2016, the Democratic People's Republic of Korea harvested 5.891 million tons of food crops, which exceeded the amount produced in 2015 by 14.6 per cent and was the highest since 2012. Nevertheless, given the food stocks available domestically and the Government's importation plans, the country continued to face an uncovered food deficit of 395,892 tons, which was the amount needed to meet the Government's target for the ration size to be distributed under the public distribution system.

36. Some 18 million people, or 70 per cent of the population, reportedly depend on the public distribution system for regular food rations. According to government data, rations increased to 380 grams of cereals per person per day in October and November 2016 and, since December 2016, have been set at 400 grams. Rations are consistently lower than the Government's average target of 573 grams per person per day. In some areas, the public distribution system is reportedly no longer functioning and people rely entirely on their own sources of income. There is grave concern about food shortages in detention facilities to which humanitarian actors have no access.

37. At the end of August 2016, the remnants of Typhoon Lionrock hit North Hamgyong Province, unleashing strong winds and heavy rains. The Tumen River burst its banks and its tributaries inundated floodplains, submerging agricultural land and damaging water systems, schools and health facilities. Homes were also damaged or destroyed, resulting in the displacement of over 70,000 people. A total of 27,411 hectares of standing crops, mostly rice and maize, were damaged, which constituted 1.9 per cent of total farm crop area in 2016. The Central Emergency Response Fund released $5,054,519 for rapid response in relation to agriculture, food security, health, nutrition, water, sanitation and hygiene. Prison camp (kyohwaso) number 12, in Jongo-ri, North Hamgyong Province, which reportedly housed up to 5,000 prisoners, was not included in the assessment. Satellite images indicate that the prison camp was affected, including by the destruction of nearby crop land and pollution stemming from the overflow of runoff from a nearby copper mill. This may have exacerbated the already severe food situation in the prison camp.[9]

F. Right to health

38. Quality and availability of health-care services remained limited and the lack of services and poor quality were more pronounced in rural areas. Despite the commitment pursuant to article 56 of the Constitution of the Democratic People's Republic of Korea to provide free health care for all people in the country, patients

[7] UNICEF, "Situation analysis of children and women in the Democratic People's Republic of Korea — 2017". Available from www.unicef.org/dprk/Situation_Analysis_of_Children_and_Women_in_DPR_Korea_UNICEF_2017.pdf.

[8] WFP, "DPR Korea country brief", June 2017.

[9] Joseph S. Bermudez Jr. and Greg Scarlatoiu, "North Korea, flooding at Kyo-hwa-so No. 12, Jongo-ri" (Committee for Human Rights in North Korea, 16 September 2016). Available from www.hrnk.org/uploads/pdfs/Kyo-hwa-so%20No_%2012%20Flooding.pdf.

were in many cases required to purchase basic medicine on the private market. Diarrhoea and pneumonia were the two main causes of death of children below the age of 5 and could be linked to lack of access to safe water, sanitation and hygiene facilities.[9] In 2016, with regard to the universal periodic review recommendation to implement a reproductive health strategy to reduce maternal and newborn mortality, the Ministry of Public Health developed an "every newborn" action plan with technical and financial support from the World Health Organization.

G. Rights of the child

39. The Government of the Democratic People's Republic of Korea continued its engagement with the Committee on the Rights of the Child, to which it submitted its combined fifth and sixth periodic report in 2016. On 15 June 2017, it submitted written replies to the list of issues of the Committee in relation to that report (CRC/C/PRK/Q/5/Add.1). According to UNICEF, literacy rates were close to 100 per cent, with over 75 per cent of the population having completed secondary school. UNICEF found that a lack of quality and learning assessment improvement owing to a lack of resources was a main challenge. In addition, there were significant social and gender disparities in accessing tertiary education, with only 1.9 per cent of females from rural areas over the age of 19 engaged in education.[9]

40. Information received by OHCHR indicated that children in remote areas were not always able to access education, including as a result of having to work to support their families and owing to the lack of functioning schools. The Korea Institute for National Unification reported that a high proportion of hours at school were devoted to ideological training, in particular studying the current and former leaders of the Democratic People's Republic of Korea.[10] Information also showed that, in some schools, children were required to dedicate a significant part of the day to manual labour. In its replies to the Committee on the Rights of the Child, the Government stated that it aimed to remove the distinction between secondary schools in urban and rural areas and to prevent the forced mobilization of school children, including through new legislation such as the Law on the Implementation of Teaching Programmes, adopted in 2016, and through a directive issued in April 2016 requiring local actors to supervise the implementation of educational programmes (see CRC/C/PRK/Q/5/Add.1).

41. There is limited information available on how the situation of juveniles in conflict with the law is addressed in the country. In its replies to the Committee on the Rights of the Child, the Government noted that there were very few such cases and that they had been dealt with through educational measures. There is continued concern about reports of children who detained in political prison camps with their families. The Government continued to deny the existence of such camps, and the fates of the children reportedly held in such camps and their families is not known.

H. Rights of persons with disabilities

42. The Government of the Democratic People's Republic of Korea reported having taken steps towards improving the human rights of persons with disabilities. These included the ratification, on 6 December 2016, of the Convention on the Rights of Persons with Disabilities, in line with recommendations it had accepted as

[10] Kyung-ok Do and others, "Human rights situation of women and children in North Korea" (Korea Institute of National Unification, November 2016). Available from www.kinu.or.kr/www/jsp/eng/report_view.jsp?menuIdx=646&category=&thisPage=1&searchField=&searchText=&contId=1478086.

part of the universal periodic review. Moreover, on 19 February 2016, the Government ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

43. From 2 to 8 May 2017, the Special Rapporteur on the rights of persons with disabilities conducted a visit to the Democratic People's Republic of Korea at the invitation of the Government. She visited Pyongyang and Pongchon, where she met with Government officials, the Korean Federation for the Protection of the Disabled, the United Nations country team, international cooperation actors, the diplomatic community, associations of persons with disabilities and persons with disabilities. The Special Rapporteur welcomed steps taken by the Government, such as the adoption of general and specific legislation protecting the rights of persons with disabilities and in the area of access to information and communication for deaf persons.[11]

44. At the same time, the Special Rapporteur observed some challenges, notably the prevalence of the medical model of disability, the general stigmatization of persons with disabilities and segregated education for deaf and blind learners. She also identified the need to expand coverage of benefits and services to include all persons with disabilities, including little persons and people with intellectual, developmental, psychosocial, multiple and severe disabilities. She also noted that the majority of the infrastructure was not accessible to persons with physical disabilities, including new public buildings. Upon the request of the Government, the Special Rapporteur agreed to provide technical assistance in the areas of accessibility and international standards in universal design.

45. The Democratic People's Republic of Korea has three recognized special primary schools for the blind and eight for the deaf, but according to UNICEF, out of 15,431 children identified with sensory impairment in the 5-to-18-year age group, only 1,232 (8 per cent) were enrolled in specialized schools.[7] Moreover, UNICEF noted that there were no preschools and no support for higher education for those groups. No information was available on education for children with severe physical disabilities or those with intellectual or psychosocial disabilities.

46. The Secretary-General welcomes the ratification of the Convention on the Rights of Persons with Disabilities, the visit of the Special Rapporteur on the rights of persons with disabilities and the constructive dialogue that ensued. He urges the authorities to take concrete steps to develop a strategic action plan on disability and to continue to engage with the Special Rapporteur and other United Nations human rights mechanisms.

I. Rights of women

47. The Law on the Protection of the Rights of Women (2010) envisages the domestication of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The law prohibits all forms of discrimination against women and provides that there must be no form of violence against women in the family. However, information gathered by OHCHR indicated that awareness about the adoption of the law was very limited. Strong patriarchal patterns reportedly continued to contribute to persistent discrimination against women in many areas, including access to higher education, employment and participation in

[11] See the end of mission statement delivered on 8 May 2017 by the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar, on her visit to the Democratic People's Republic of Korea. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21610&LangID=E.

public life. Domestic violence against women and girls was reportedly viewed as a private affair and was not adequately addressed by the authorities.[12] Information gathered by OHCHR indicated that there were reports of cases of women serving in the army being subjected to discrimination and sexual abuse.

48. There were numerous reports of women and girls being trafficked across the border between China and the Democratic People's Republic of Korea and within China. Women and girls were in many cases trafficked into China to be sold to Chinese men or exploited in other ways. They were exposed to the risk of forcible return to the Democratic People's Republic of Korea. Information gathered by OHCHR indicates that those who are returned are detained in conditions that fall below international standards and that they risk torture and ill-treatment. Upon repatriation, women were reportedly frequently subjected to invasive body searches, ordered to repeatedly squat and stand up or bend forward while exposed, and some were reportedly subjected to vaginal searches in unsanitary conditions. The searches were reportedly carried out to confiscate Chinese currency and to look for signs of previous pregnancies and/or sexually transmitted diseases. Those searches were reportedly carried out in many cases by female administrative personnel at security agencies, but cases of searches conducted by men or in the presence of male officers were also reported. Women who became pregnant while in China reportedly remained at risk of being subjected to forced abortion while in detention in the Democratic People's Republic of Korea. As for women who had given birth in China, they reportedly would often be separated from their children, who remained in China when their mothers were repatriated.

III. Cooperation between the United Nations and the Government concerning the human rights situation in the Democratic People's Republic of Korea

49. The Government of the Democratic People's Republic of Korea took steps to engage with the international human rights system during the reporting period. However, it continued to refuse to engage with the OHCHR office in Seoul and with the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea.

A. Cooperation with United Nations intergovernmental bodies

50. In its resolution 2321 (2016), the Security Council condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 9 September. The Council condemned the Government for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people and emphasized the need for the Government to respect and ensure the welfare and inherent dignity of people in the Democratic People's Republic of Korea.

51. On 9 December 2016, the Security Council met to discuss the situation of human rights in the Democratic People's Republic of Korea for the third time since December 2014. The Deputy Secretary-General and the Assistant Secretary-General for Human Rights briefed the Security Council on that occasion. The Government of the Democratic People's Republic of Korea issued a statement and held a press

[12] Kyung-ok Do and others, "Human rights situation of women and children in North Korea"; and Human Rights Watch, "Submission to the Committee on the Elimination of Discrimination against Women", 25 January 2017. Available from https://www.hrw.org/news/2017/04/13/human-rights-watch-submission-committee-elimination-discrimination-against-women.

briefing at which it strongly denounced the convocation of that meeting by the Security Council.

52. The General Assembly, by resolution 71/202 on the situation of human rights in the Democratic People's Republic of Korea, welcomed the establishment of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea, as set out by the Human Rights Council in its resolution 31/18. In its resolution 71/202, as in other resolutions it has adopted since 2014, the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity.

53. On 13 March 2017, during the interactive dialogue at the Human Rights Council with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the group of independent experts presented its findings (see A/HRC/34/66/Add.1). They stressed that the approach to pursuing accountability for human rights violations in the Democratic People's Republic of Korea must be human rights-based, multi-pronged and comprehensive and in line with international norms and standards. The group called upon the international community to continue to seek accountability for crimes against humanity through the International Criminal Court and to consider the scope for establishment of an ad hoc international tribunal for the Democratic People's Republic of Korea. The group highlighted that the investigation and prosecution of international crimes were indispensable, as were measures to ensure the right of victims and societies to know the truth about violations, the right of victims to reparations, and guarantees of non-recurrence of violations. The group also underscored the criticality of engaging with victims and affected communities in accountability processes, including the preparatory stages. It further recommended that stakeholders firmly integrate human rights and accountability into any political process for the Korean peninsula, acknowledging that peace and justice are mutually reinforcing imperatives.

54. The group of independent experts called upon the Human Rights Council to strengthen OHCHR to increase its contribution towards accountability for human rights violations in the Democratic People's Republic of Korea, including by simultaneously strengthening current monitoring and documentation efforts in line with international norms and standards and supporting an assessment by international criminal justice experts of available information and evidence to identify gaps and develop possible investigation and prosecution strategies as well as blueprints of suitable international or internationally assisted court models.

55. In its resolution 34/24 on the situation of human rights in the Democratic People's Republic of Korea of 24 March 2017, the Human Rights Council welcomed the reports of the group of independent experts, and decided to strengthen for a period of two years the capacity of OHCHR, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group in its report aimed at strengthening monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process. The High Commissioner for Human Rights was requested to provide an oral update on

progress in that regard to the Council at its thirty-seventh session, in March 2018, with a view to submitting a full report to the Council at its fortieth session, in March 2019. OHCHR is currently taking steps to implement the recommendations of the group of independent experts.

B. Office of the United Nations High Commissioner for Human Rights

56. In accordance with its mandate pursuant to Human Rights Council resolution 25/25, the OHCHR office in Seoul continued to conduct monitoring, documentation and capacity-building and outreach activities. It engaged with Governments, civil society actors, individuals who had left the Democratic People's Republic of Korea, United Nations entities and humanitarian workers operating in the Democratic People's Republic of Korea and other stakeholders.

57. During the reporting period, the OHCHR office in Seoul continued to gather individual testimonies to corroborate information on allegations of human rights violations that it had previously recorded. As of August 2017, it had interviewed more than 200 individuals who had left the Democratic People's Republic of Korea. The office conducted two missions to Japan, where it met representatives of the Government and civil society.

58. On 7 December 2016, OHCHR published a thematic report entitled "Torn apart: the human rights dimension of the involuntary separation of Korean families". In the report, OHCHR raised awareness about the multiple human rights challenges facing individuals separated by displacement during the Korean War, those separated following the war as a result of abduction, and those separated from their families as a consequence of leaving the Democratic People's Republic of Korea. It recommended that the relevant Governments take steps to allow separated relatives to reunite, regardless of the political situation. During the report launch event, relatives of victims described their efforts to be reunited with their loved ones. The OHCHR office in Seoul has also supported victims and families of victims in engaging with special procedures of the Human Rights Council and supported civil society actors in submitting information to relevant treaty bodies.

59. On 27 June 2017, the National Human Rights Commission of Korea and the OHCHR office in Seoul co-hosted a seminar focusing on engagement with the Committee on the Elimination of Discrimination against Women. On 25 and 26 July, the civil society organization Transitional Justice Working Group, in partnership with the office in Seoul, organized an international seminar on the theme "Amassing evidence: applying information technology and forensic science in human rights documentation", in which international experts participated.

C. United Nations human rights mechanisms

60. As previously noted, in 2016, the Government ratified the Convention on the Rights of Persons with Disabilities and, in May 2017, it hosted the Special Rapporteur on the rights of persons with disabilities. That was the first visit of a special procedures mandate holder to the Democratic People's Republic of Korea since 1995 (see para. 43).

61. Its combined fifth and sixth periodic reports to the Committee on the Rights of the Child, and its combined second, third and fourth reports to the Committee on the Elimination of Discrimination against Women, which were submitted in 2016, are scheduled to be considered in September and October 2017, respectively.

62. During the reporting period, the Government continued to deny access to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

63. The Government of the Democratic People's Republic of Korea has accepted 194 of the recommendations received during its first and second universal periodic reviews, in 2010 and 2014, respectively. In the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017-2021, the United Nations stated its commitment to providing support to the Government in meeting its global commitments to, and periodic reporting on, international human rights commitments under conventions and other agreements and mechanisms. In addition, the United Nations country team would offer support in enabling the Government of the Democratic People's Republic of Korea to fulfil its commitments to implement recommendations and reporting with respect to the universal periodic review.[13]

64. The Secretary-General welcomes the ratification of the Convention on the Rights of Persons with Disabilities and the visit of the Special Rapporteur on the rights of persons with disabilities. He encourages the Government to consider ratifying core human rights treaties that it has not yet ratified and extending invitations to other mandate holders, in particular the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

D. United Nations entities operating in the Democratic People's Republic of Korea

65. Launched in January 2017,the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017-2021, entitled "Towards Sustainable and Resilient Human Development", affirms the role of the United Nations country team in supporting the Government's commitments to the Sustainable Development Goals and other internationally agreed norms and standards. It also provides for United Nations support in enabling the Government to fulfil its commitments to implement recommendations and reporting with respect to the universal periodic review and in meeting its international human rights commitments.

66. In February 2017, the United Nations country team and relevant line ministries and departments held a workshop in Pyongyang on the strategic framework to develop a shared understanding of the objectives and agree on the next steps and milestones for the implementation of the framework.

67. Positive engagement of the United Nations country team with the State Committee on Emergency and Disaster Management continued. Following flooding in North Hamgyong Province in late August 2016, representatives of the Government and the humanitarian country team carried out two joint missions to the affected areas to assess the needs and review the humanitarian response. While the overall travel plan was submitted in advance in accordance with standard regulations in the country, humanitarian partners were able to make suggestions and request visits to additional sites. Timely and relevant data was essential for effective programming. While the Government provided regular updates on reconstruction efforts, information mostly focused on infrastructure and was insufficient. Continued discussions will be critical to ensuring better access to data by the United Nations and to develop baselines for any future emergencies.

[13] Available from http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20Framework%202017-2021%20-%20FINAL.pdf.

68. The United Nations system in the Democratic People's Republic of Korea continued to operate under significant constraints imposed by the Government, with little noticeable improvement to that dynamic. The lack of independent contact with the local population and of consultations with beneficiaries during the programming process remains a significant obstacle for the United Nations in developing and implementing a human rights-based approach to its humanitarian and development programmes in the Democratic People's Republic of Korea. A review by the Government of its policies in line with accepted recommendations on the delivery of humanitarian assistance stemming from the 2014 universal periodic review of the country would help ensure that United Nations assistance to the population is effective and meaningful. In particular, the lifting of restrictions on the freedom of movement of United Nations personnel working in the Democratic People's Republic of Korea and the granting of full access to beneficiaries to make it possible to collect relevant disaggregated data would help ensure that programming can reach the most vulnerable.

69. While travel within the Democratic People's Republic of Korea remains strictly regulated, there has been some progress with respect to monitoring. WFP developed a system for random monitoring agreed upon with the Government, whereby individual households and institutions to be monitored are selected 15 to 20 minutes before the visit, with the help of a specialized application on an electronic tablet. The collected data are downloaded at the end of the day and shared with the WFP regional office in Bangkok for further analysis.

70. The adoption of Security Council resolution 2270 (2016) and sanctions towards the Democratic People's Republic of Korea have had an unintended negative impact on the humanitarian operations of the United Nations and other actors, including notably on the transfer of funds through financial institutions into the Democratic People's Republic of Korea, leading to delays in the delivery of humanitarian assistance or the suspension of some programmatic activities. In addition, United Nations entities operating in the country have been facing delays in procurement owing to additional requirements for licensing and the need to ensure that equipment and/or supplies delivered were not on the sanctions list.

IV. Conclusion

71. **The Secretary-General welcomes efforts within the United Nations to follow up on the findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, which emphasized the need for profound structural reforms to promote and protect the rights of the population.**

72. **The Secretary-General welcomes steps taken by the Government to continue to cooperate with international human rights mechanisms, notably the visit of the Special Rapporteur on the rights of persons with disabilities. He also welcomes the inclusion of a human rights-based approach in the strategic framework between the Government and the United Nations for the period 2017-2021.**

73. **The Secretary-General remains deeply concerned, however, about continuing reports of grave violations taking place in the Democratic People's Republic of Korea. He stresses that the improvement of the human rights and humanitarian situation must remain high on the international agenda and be regularly discussed, including in the Human Rights Council, the General Assembly and the Security Council.**

V. Recommendations

74. **The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:**

(a) **Comply with its obligations arising from international human rights law, including the five core human rights treaties ratified by the State;**

(b) **Accept and implement all the recommendations made by international human rights mechanisms, including treaty bodies;**

(c) **Take concrete steps to follow up on the findings of the visit of the Special Rapporteur on the rights of persons with disabilities;**

(d) **Invite the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other independent human rights mechanisms to visit the country;**

(e) **Translate its commitments under the universal periodic review into concrete action to effectively improve the human rights situation throughout the country;**

(f) **Cooperate with the international community in relation to the implementation of Human Rights Council resolution 34/24 on the situation of human rights in the Democratic People's Republic of Korea;**

(g) **Engage constructively with the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and its office in Seoul;**

(h) **Consider the findings and recommendations of the commission of inquiry and the group of independent experts and engage with the international community towards their implementation, including the adoption of measures to address the concerns expressed regarding systematic, widespread and grave human rights violations;**

(i) **Provide free and unimpeded access to United Nations and humanitarian agencies throughout the territory of the Democratic People's Republic of Korea, as well as to critical data, so as to enable them to adequately respond to the needs of the population;**

(j) **Fully implement the strategic framework for 2017-2021.**

75. **The Secretary-General recommends that the international community:**

(a) **Consider appropriate follow-up action to the report of the commission of inquiry, as called for in Human Rights Council resolutions 25/25, 28/22, 31/18 and 34/24 and General Assembly resolutions 69/188, 70/172 and 71/202;**

(b) **Consider appropriate follow-up action to the report of the group of independent experts, as called for in Human Rights Council resolution 34/24;**

(c) **Make further efforts to address the pervasive restrictions on public freedoms and serious human rights violations that have been reported by the commission of inquiry;**

(d) **Provide adequate and sustainable funding for humanitarian assistance, especially food and medicine, with a view to improving humanitarian conditions and the human rights situation;**

(e) **Take urgent steps to minimize the adverse humanitarian consequences of sanctions imposed on the Democratic People's Republic of Korea by extending full support to the United Nations agencies working in the country.**